THE LIBRARY OF CONGRESS
1800

Scanned from the collections of
The Library of Congress

AUDIO-VISUAL CONSERVATION
at The LIBRARY of CONGRESS

Packard Campus
for Audio Visual Conservation
www.loc.gov/avconservation

Motion Picture and Television Reading Room
www.loc.gov/rr/mopic

Recorded Sound Reference Center
www.loc.gov/rr/record

FILE COPY
DO NOT R

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 1 NEW YORK, U. S. A., MONDAY, JULY 1, 1940 TEN CENTS

m 1-28

75% Foreign Revenue Lost Through War

Golden Sees Nazi Films Dominating Europe

By BERTRAM F. LINZ

WASHINGTON, June 30.—Approximately 75 per cent of the foreign revenues of American films have been lost as a result of the war, it is estimated by Nathan D. Golden, chief of the Film Section of the Department of Commerce.

If Germany wins and becomes the dictator of Europe, it is considered probable by officials that the Hitler ideologies will be extended to the point where only Nazi-made or Nazi-approved films will be shown on the screens of Europe.

Golden's figures show that last year American films accounted for 62 per cent of the picture showings in Norway, 71 per cent in Denmark, 63 per cent in Holland, 60 per cent in Belgium, 45 per cent in France, 54 per cent in Finland, 77 per cent in England, 55 per cent in Switzerland, 57 per cent in Greece, 66 per cent in Jugoslavia, 70 per cent in Turkey, 41 per cent in Bulgaria, 75 per cent in Albania (in 1938), 60 per cent in Poland (1938), and 80 per cent in Portugal.

Nowhere in Washington will any official attempt to predict the future of the European film market. It all depends upon the outcome of the war. If England wins and the vanquished, partitioned nations are reconstituted,

(*Continued on page* 5)

New York Allied May Join MPTOA

Allied Theatre Owners of New York, of which Max A. Cohen is president, may join the M.P.T.O.A. as the New York State organization. The unit was ousted by national Allied last year in a disagreement over policies.

The executive board at a special meeting in New York last Wednesday considered an invitation from the M.P.T.O.A., and "it is expected that the State organization will look favorably" toward an affiliation, an Allied statement said over the weekend.

The directors voted to maintain present admission scales and to pass the new defense tax to the public. They also offered the services of the organization to President Roosevelt to aid national defense.

U. S. Going Ahead With Griffith Co. Suit in Oklahoma

The Government pressed forward last week with the prosecution of the anti-trust suit against the Griffith Amusement Co. and the major distributors, now pending in the Federal District Court in Oklahoma City, by serving all defendants with a series of interrogatories. Objections to the interrogatories must be filed this week but there is an understanding between counsel that the time will be extended.

In the New York case, the Government will request one week's adjournment of the trial until next Monday when it is called in Federal Court here this morning. A representative of the Government staff will explain to Judge Henry W. Goddard that the settlement conferences are "progressing" favorably and that a further adjournment is necessary. The conferences will continue daily.

The interrogatories served in the Griffith action are much less extensive than those filed in the New York suit. Demand is made for information concerning the local area only and the interrogatories deal with the nature of the contracts, the principals involved and the like.

Attorneys were reluctant over the weekend to express any opinion on the significance of the Government's latest move. There is a general un-

(*Continued on page* 5)

Republican Meet Costs Nets $332,000

Radio coverage of the Republican convention in Philadelphia last week cost the three major networks, NBC, CBS and Mutual, a total of $332,200, it was estimated over the weekend. The cost includes cancellation of commercially sponsored programs, talent on such cancelled programs which had to be paid by the networks, and payment of announcers and technical costs. For the five-day duration of the convention, the cost figures an average of $66,000 a day.

Television station W2XBS, the NBC outlet, set a record on Thursday when it remained on the air for nine hours and 23 minutes, the longest program service furnished within a single day. In all, W2XBS remained on the air about 33 hours during the week.

CBS cancelled 11 hours of commercial programs during the 18

(*Continued on page* 5)

1938 Industry Salary List Led By Mayer's $688,369

WASHINGTON, June 30. — The Treasury Department tonight made public the salaries of approximately 250 individuals receiving compensation in excess of $75,000 from corporations for personal services in 1938, headed by Louis B. Mayer, who received $688,369 from Loew's, Inc.

Tonight's list was a supplement to the annual salary report submitted to Congress last January by the Treasury and for the most part covers corporations which were granted additional time in filing their voluminous income tax returns.

Of the approximately 250 names reported, 153 were those of film stars and picture company officials, who were listed as follows:

Columbia Pictures — Jack Cohn, $106,120; Harry Cohn, $185,500; Jean Arthur, $136,666.67; Samuel J. Briskin, $106,000; Sidney Buchman, $92,750; Frank Capra, $294,166.67; Walter Connolly, $82,500; Cary Grant, $181,250; Al Hall, $83,750; Howard Hawks, $112,500; Katharine Hepburn, $75,000; William Perlberg, $92,750; Everett Riskin, $92,750.

Loew's, Inc.—Lionel Barrymore, $136,584.82; Freddie Bartholomew, $118,166; Wallace Beery, $355,000; David Bernstein, $191,585.81 ($93,600 salary, $87,307.81 bonus, $10,678 other compensation); Ray Bolger, $87,000; Frank Borzage, $166,083.33; Fanny Brice, $166,500; Clarence Brown, $188,708.33; Arlington Brugh (Robert Taylor), $184,833.32; Edward Chodorov, $78,000; J. J. Cohn, $99,000; Claudette Colbert, $125,000; J. W. Considine, Jr., $122,666.66; Jack Conway, $182,000; Joan Crawford, $305,384.43; George Cukor, $125,883.33.

Also, Jack Cummings, $79,750; Melvyn Douglas, $98,585.34; Sam Eckman, Jr., $122,410.97 ($102,410.97 salary, $20,000 other compensation); Nelson Eddy, $146,416.67; Victor Fleming, $156,000; Sidney Franklin,

(*Continued on page* 5)

DISTRIBUTORS ACT TO PROTECT RUNS

Less Clearance If Houses Cut Prices to Escape Tax Starting Today

With the start today of the new Federal defense tax on admissions, major distributors are determined to protect the present clearance and zoning regulations for theatres in the face of possible disruption resulting from the reduction of admissions below the 21-cent minimum taxable by the government, it was disclosed by authoritative spokesmen over the weekend.

Wherever such reduction in scale stretches the differential in admission price to a point beyond that which exists now between specific runs, the distributors will also widen clearance and delay availability accordingly.

An alternative to the exhibitor would be to pay a higher rental for the film in order to maintain the same availability terms.

The distributors fear that a tendency to reduce admission may develop at houses charging 25 cents, which would escape the new Federal tax by a 20-cent price.

No exhibitor making such revisions should be permitted to upset the clearance of the prior run, according to distribution officials. The distributors, it is asserted, intend to keep the situation

(*Continued on page* 5)

Selznick Denounces 'Rebecca' as Triple

CHICAGO, June 30.—A scathing denouncement of the triple-feature program, "Rebecca," "House Across the Bay" and "Viva Cisco Kid," shown recently at the Balaban & Katz Belmont theatre here is contained in a telegram received by Jack Kirsch, president of Illinois Allied, from David O. Selznick.

Selznick said in part: "The situation is disgraceful. I am more depressed than I can say that a picture of which I have been so proud as I have of 'Rebecca' should be permitted to be part of a triple bill in an important theatre."

He ended the telegram by saying: "I am taking steps to avoid the inclusion of any future production of mine in any such destructive program."

PN1993
.M43
x Copy
MPic

Personal Mention

HERMAN WOBBER, general sales manager of 20th Century-Fox, and LEO SPITZ observed their birthdays yesterday. MR. AND MRS. SPITZ are visiting MR. AND MRS. WOBBER at the latters' home at Woodside, San Mateo County, Calif.

•

ARTHUR M. LOEW, vice-president of Loew's in charge of foreign activities, is recovering from an illness.

•

ENRIQUE BAEZ, United Artists general manager in Brazil, left for his headquarters in Rio de Janeiro on Friday following a six-week visit here.

•

HARRY BRILLMAN, executive with Atlantic Theatres, Inc., Philadelphia, has announced his engagement to GRACE BERGER.

•

O. B. GUILFOIL, Warner exchange booker in Philadelphia, is confined to his home at Woodbury, N. J., by illness.

•

SAUL KRUGMAN, United Artists salesman in Philadelphia, is the father of a son, born late last week to MRS. KRUGMAN at Fitzgerald-Mercy Hospital, Philadelphia.

•

LARRY BEARG, Vancouver district manager for Famous Players-Canadian, has returned from a trip through Eastern Canada and the United States.

•

RALPH BLUM, Hollywood agent, and MRS. BLUM, the former CARMEL MYERS, are in town.

•

JEAN HERSHOLT has been reelected president of the Motion Picture Relief Fund. RALPH BLOCK has been reelected first vice-president.

Bookers to Honor E. K. O'Shea Tonight

E. K. (Ted) O'Shea, M-G-M Eastern district manager, will be inducted as first honorary member of the Motion Picture Bookers Club of New York tonight at the Hotel Lincoln. Other executives are expected.

Mos Leaves 20th-Fox

Carl Mos of the 20th Century-Fox advertising department has left the company. His future plans are indefinite. Mos started in the Fox Theatres advertising department in 1930 and after two years joined the film company's advertising staff, where he had been since.

New Tax TICKETS
Roll or Machine Folded
IMMEDIATE SERVICE
WRITE OR WIRE
INTERNATIONAL TICKET COMPANY
50 Grafton Avenue, Newark, N. J.

Duals an Exhibitor Problem: Rodgers

Only exhibitors can solve the double bill problem, William F. Rodgers, general sales manager of M-G-M, said in an interview over the week-end. "Triple bills, however," he said, "are indefensible."

Rodgers observed that duals are a long-established practice in exhibition, and that it must be assumed that the exhibitor knows what his patrons want.

Illinois Exhibitors Form Organization

PEORIA, Ill., June 30.—Exhibitors representing 211 downstate Illinois theatres organized on a permanent basis as the United Theatre Owners of Illinois at a convention held here late last week.

Edward G. Zorn of Pontiac was named acting president and William F. Crouch was named executive secretary. Other officers will be announced at the next meeting.

Organized to protect their interests against adverse legislation primarily, the group also discussed the problems of "gypsy" theatre operators, who are competing with small town exhibitors, the slot machine film problem and taxation.

All downstate exhibitors are eligible for membership in the organization, with headquarters to be set up in Springfield.

Erpi Again Upheld On Sound Patents

PHILADELPHIA, June 30.—U. S. Circuit Court of Appeals here has affirmed the lower court decision which held that Erpi's sound equipment did not infringe two patents of British Acoustic Films, Ltd., and that both patents were invalid.

Fight 'Fifth Column': Nizer to Associates

Louis Nizer, prominent film attorney, in addressing the members of the Motion Picture Associates at a special meeting on Friday at the Astor Hotel, urged them to make an unrelenting fight against subversive and "fifth column" elements.

Other speakers were Harry Brandt and Col. A. Ralph Steinberg. Among the special guests at the meeting were the officers of the Cinema Lodge Chapter of B'Nai B'rith, A. W. Schwalberg, president, and Jerome I. Hyman, secretary.

Following the meeting, it was announced that more than 75 applications for membership in the Cinema Lodge had been received from the M.P.A. membership.

Referee Voids Lien On G. N. Equipment

Referee Peter B. Olney, Jr., Friday vacated a mortgage of $10,000 held by the National City Bank against equipment and automobiles of Grand National Pictures. The decision was granted on application of Harry Fromberg, trustee of Grand National, who claimed that the mortgage was invalid in that it did not comply with the filing requirements of California law and because National City had failed to record the mortgage before Grand National filed a petition in bankruptcy.

Stage Unions Seek 'Burlesque' Revival

A campaign to restore the word "burlesque" to theatre marquees will be started at a meeting of theatrical craft and actor unions at the Hotel Astor Wednesday. The unions contend that the number of theatres playing burlesque has been sharply reduced since Mayor LaGuardia and License Commissioner Paul Moss banned the word from burlesque houses. A delegation will be sent to confer with the Mayor after the meeting.

Feature Review

"The Man Who Talked Too Much"

(Warners)

There is plenty of action and suspense in this story of the attorney for racketeers whose activities nearly cost the life of a younger brother, and who nearly loses his own in an effort to save him. It is good, lively entertainment.

George Brent, the lawyer, and Virginia Bruce, his secretary, handle the leading roles effectively, aided by Richard Barthelmess, as a reasonably convincing racket boss; William Lundigan as Brent's brother just out of law school; David Bruce, as one of Barthelmess' gang, and Henry Armetta, for a touch of good comedy.

Vincent Sherman, director, extracted the maximum of suspense and excitement from the screenplay by Walter DeLeon and Earl Baldwin, from a play by Frank J. Collins. The story is compact, convincing and swift.

Brent quits as assistant district attorney after a man he had caused to be electrocuted for murder is later proved innocent. Doing badly in private practice, faced with the inability to keep his brother in law school, he succumbs to the temptation of working for Barthelmess. Brent's conspicuous success gets him in too deep to quit, and when his brother tries to aid the Government in an income tax indictment against the racketeer, the boy is framed for a murder. Only at the last exciting moment is Brent able to save him.

Running time, 75 minutes. "G."

CHARLES S. AARONSON

**"G" denotes general classification.*

Ontario Ticket Tax May Be Reinstated

TORONTO, June 30.—Immediately after the introduction of the Federal budget in the Dominion Parliament, without a sign of a Federal impost on theatre tickets, intimation came from the Ontario Provincial Government that the amusement tax would be revived for patrons of the 300 theatres in Ontario.

This tax was abolished in its entirety by the Provincial Governm in 1936 but a move was made Winter, during the last session of the legislature, to restore the levy to secure additional revenue for war purposes. Wide protest from exhibitors and community organizations caused the proposal to be dropped, although offices had been set up at Queen's Park for the collection of the tax.

Considerable interest has been aroused, in this connection, by the new Federal admission tax in the United States, and this may have some bearing on tax revival in Ontario. It comes also at a time when the film industry throughout the Dominion is organizing a nationwide campaign for the staging of a special show in every theatre on Monday, July 15, to stimulate the sale of war savings stamps.

Para. Foreign Men Start Trek Home

A. L. Pratchett, Paramount's general manager in Cuba, Mexico and Central America, left Saturday for his headquarters in Cuba after conferring here with John W. Hicks, vice-president in charge of foreign distribution.

Other Paramount foreign representatives have scheduled their return as follows: J. D. Rapoport, Havana branch manager, sailing for Cuba July 5; John L. Day, Jr., general manager in South America, and S. L. Pierpont, manager in Brazil, sailing July 12 for Rio de Janeiro, and Frank Kennebeck, general manager for India, returning to his post in Bombay the latter part of this month.

Metropolitan Shows Profit

Metropolitan Playhouses, Inc., New York, over the weekend reported a net profit of $29,976 for the year ended Jan. 31, compared with a net loss of $50,900 the year before.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Cheer up America!

ANDY HARDY MEETS DEBUTANTE

Every man, woman and child in the nation will be grateful for this wonderful entertainment. It is not exaggerating to say that localities would be justified in declaring a holiday when this picture plays, for it is a show nobody will want to miss. The Hardy Family comes to the Gay White Way in a rousing, uproarious story that reunites Judy Garland (and her captivating songs) with Mickey Rooney. From this minute on keep saying **"Cheer up America! Andy Hardy Meets Debutante."**

with

LEWIS STONE • MICKEY ROONEY
CECILIA PARKER • FAY HOLDEN
ANN RUTHERFORD • DIANA LEWIS
and JUDY GARLAND

Screen Play by Annalee Whitmore and Thomas Seller
An M-G-M Picture • Directed by George B. Seitz

75% Foreign Revenue Lost Through War

(*Continued from page* 1)

there will probably once again be a market for American pictures, the extent of which will depend upon the commercial conditions of the peace.

Eight months of war have practically wiped out the European market for American motion pictures, variously estimated as having been worth, in previous normal times, anywhere up to $100,000,000 a year to the film companies, with little indication of any improvement for some time to come.

Several years of increasing difficulties presented by quota restrictions and tariffs, and marked by the barring of American films from Germany, left the film companies facing an even more serious situation in 1938, when Austria was taken over by Germany, and events moved rapidly thereafter, with Germany also taking Czechoslovakia, the abandonment of Italy by the companies, the seizure of Albania by Italy, and then the partition of Poland by Germany and Russia.

Within the past eight months, the European market has been further limited by the German invasions of Denmark and Norway, Luxemburg, Holland, Belgium and France. Within the past few days, Russia has practically taken over Lithuania and Latvia and parts of Rumania.

Department of Commerce officials, discussing the situation, saw little of Europe still open to American films. Switzerland is still free, but very difficult of access; Spain has imposed restrictions on exchange; Greece, Turkey and the Balkan states generally are still open but hard to reach; Portugal is open but is not a very important market. Only in England is there any vestige of the pre-war market.

U. S. Goes Ahead on Griffith Co. Suit

(*Continued from page* 1)

derstanding that no other trials will be started until the New York case is disposed of. However, the service of the interrogatories may indicate that the Government intends to continue with the routine legal steps preceding the trial despite the continuation of settlement discussions.

Early in May, the Government made a move to dismiss the Griffith action so that an appeal could be taken on a ruling for a bill of particulars. Defense counsel, however, waived their rights under the ruling and accepted the bill of particulars as tendered by the Government. Answers to the charges were subsequently filed about a fortnight ago and the Government followed this with their interrogatories.

Unveil Stiefel Stone

Philadelphia, June 30.—A monument to Abraham Stiefel, of the Stiefel family, long associated in theatre operations in Philadelphia, was unveiled today at Roosevelt Cemetery here.

1938 Industry Salary List Led By Mayer's $688,369

(*Continued from page* 1)

$169,000; Jules Furthman, $95,266.66; Clark Gable, $272,000 ($217,000 salary, $55,000 bonus); Greta Garbo, $270,000; Cedric Gibbons, $79,916.67; Ben Goetz, $76,525; Fernand Gravet, $121,242.30; Ben Hecht, $159,996.64; Lucien Hubbard, $95,625; B. H. Hyman, $194,187.86 ($184,750 salary, $9,437.86 bonus); Sam Katz, $247,756.97 ($156,000 salary, $91,756.97 bonus); Vincent Lawrence, $91,333.33; Robert Z. Leonard, $190,083.33; Mervyn Le Roy, $300,000; Al Lichtman, $229,391.73 ($160,550 salary, $68,817.73 bonus, $24 other compensation); Louis D. Lighton, $156,166.66.

Arthur M. Loew, $183,377.03 ($182,000 salary, $1,377.03 bonus); Anita Loos, $87,500; Myrna Loy, $140,666.64; Ernst Lubitsch, $91,969.28; John Lee Mahin, $80,833.33; Joseph Mankiewicz, $156,000; E. J. Mannix, $249,481.97 ($157,725 salary, $91,756.97 bonus); Louis B. Mayer, $688,369.45 ($147,250 salary, $541,119.45 bonus); Robert Montgomery, $209,750; Frank Morgan, $182,895.90 ($99,395.90 salary, $83,500 bonus); Jeanette MacDonald, $125,000; William A. McGuire, $76,250; Eleanor Powell, $85,598.23; Harry Rapf, $137,339.25 ($114,400 salary, $22,939.25 bonus); Edward G. Robinson, $100,000.

N. M. Schenck, $275,673

W. F. Rodgers, $77,333.33; J. Walter Ruben, $91,000; J. Robert Rubin, $218,423.10 ($88,400 salary, $114,244.10 bonus, $15,799 other compensation); N. M. Schenck, $275,673.13 ($105,300 salary, $145,513.13 bonus, $24,860 other compensation); Norma Shearer, $300,000; Louis K. Sidney, $78,000; Lawrence Stallings, $79,208.34; James Stewart, $75,291.63; Herbert Stothart, $78,000; Hunt Stromberg, $328,817.73 ($260,000 salary, $68.817.73 bonus); Margaret Sullavan, $78,000.03; Norman Taurog, $156,000; Benjamin Thau, $136,878.49 ($91,000 salary, $45,878.49 bonus); Richard Thorper, $87,458.34; Franchot Tone, $94,416.66; Spencer Tracy, $212,000; W. S. Van Dyke, $169,000; King Vidor, $137,666.67; L. Weingarten, $170,272.58 ($147,333.33 salary, $22,939.25 bonus); Sam Wood, $93,425; Robert Young, $148,916.66 ($106,916.66 salary, $42,000 bonus).

RKO Radio Pictures: Fred Astaire, $266,837.36 ($215,833.35 salary, $51,004.01 other compensation); Pandro S. Berman, $213,773.93 ($156,500 salary, $57,273.93 other compensation); Milton Berle, $82,499.99; Charles Boyer, $84,277.28; Richard Dix, $85,015.17 ($85,000 salary, $15.17 other compensation); Irene Dunne, $255,222.79 ($253.750.01 salary, $1,472.78 other compensation); Douglas Fairbanks, Jr., $194,270.83; Cary Grant, $159,375; Gregory La Cava, $100,000; Leo McCarey, $77,500; Chico Marx, $83,333.34; Groucho Marx, $83,333.33; Harpo Marx, $83,333.33; George O'Brien, $95,000; Joe Penner, $90,500; Ginger Rogers, $208,767.67; Barbara Stanwyck, $117,291.67; George Stevens, $130,416.65; Katharine Hepburn ("other compensation") $120,160.89; Ned Depinet, $86,921.22 ($78,000 salary, $8,921.22 other compensation).

Universal Pictures—Charles Winninger, $82,000.02; Edgar Bergen, $90,416.68; Rowland V. Lee, $104,375; W. C. Fields, $115,000; Henry Koster, $118,916.67; Joe Pasternak, $119,875; Victor McLaglen, $123,333.30; Charles Boyer, $130,000; Basil Rathbone, $140,833.33; Bing Crosby, $150,000; Irene Dunne, $150,000; Edna Mae Durbin, $174,916.67; John Stahl, $196,000.

H. M. Warner $156,000

Warner Brothers—Sam E. Morris, $78,000; Lloyd Bacon, $179,125; Sam Bischoff, $104,250; Henry Blanke, $86,500; George Brent, $99,208.33; James Cagney, $243,000; Michael Curtiz, $171,000; Bette Davis, $143,458.33; Errol Flynn, $181,333.33; Leo Forbstein, $78,000; Brian Foy, $109,916.67; Edmund Goulding, $168,916.04; William Keighley, $89,000; Anatole Litvak, $117,857.16; Robert Lord, $134,450; Pat O'Brien, $140,333.34; Claude Rains, $98,083.34; Casey Robinson, $85,666.66; Max Steiner, $78,000; H. B. Wallis, $260,000; H. M. Warner, $156,000 ($130,000 salary, $26,000 other compensation); J. L. Warner, $156,000 ($130,000 salary, $26,000 other compensation); Albert Warner, $104,000 ($91,000 salary, $13,000 other compensation).

Walt Disney Productions—Walter E. Disney, $104,111.11; Leopold Stowkowski, ("other compensation") $80,000.

David L. Loew Productions—Joe E. Brown, $165,000.

Hal Roach Studios—Oliver Hardy, $116,850; Hal E. Roach, Sr., $106,000.

Consolidated Film Industries—Herbert J. Yates, $75,200 ($75,000 salary, $200 other compensation).

Marcus Loew Booking Agency—C. C. Moskowitz, $92,937 ($75,700 salary, $17,237 other compensation).

Twentieth Century-Fox—George and Gertrude Temple, $192,166.67 ($52,166.67 salary, $140,000 other compensation).

Vitagraph—S. Charles Einfeld, $84,000 ($71,000 salary, $13,000 other compensation); Gradwell L. Sears, $84,000 ($71,000 salary, $13,000 other compensation).

Warner Bros. Circuit Management Corporation—Joseph Bernhard, $110,000 ($91,000 salary, $19,000 other compensation).

Distributors Act to Protect Runs Against Price Cutting

(*Continued from page* 1)

stabilized and fight what they call possible "unfair competition" with their customers.

All Broadway Houses To Add U. S. Tax

The Rialto, Globe and Central over the weekend decided to add the Federal defense tax to their admissions, thereby following the lead of the other Broadway houses, all of which are passing the levy to their patrons.

Fox Tower, Kansas City, Boosts Prices Five Cents

Kansas City, June 30.—Beginning tomorrow, the Fox Tower, downtown combination vaudeville and film house, will increase its admission from straight 25 cents to 30 cents. This is the first admission increase reported in this area as a result of the new defense tax. Barney Joffee, manager, is running newspaper ads saying, "No pennies, no mills, when you enjoy Tower bills."

Iowa Is Expected to Increase Admission

Des Moines, June 30.—G. Ralph Branton, Tri-States business manager, contacted heads of other circuits and state independent exhibitors regarding the new Federal admission tax and the tentative decision was that there would be no change in admissions under 26 cents, admissions that are now 26 cents will be raised to 30; the 31-cent admissions raised to 35; the 36-cent price raised to 40 cents and the 41-cent prices to be 46 cents.

A service charge of 10 cents is to be charged on all passes and free admissions. An agreement was reached for the independent exhibitors to meet with Tri-States officials and district heads for further discussion.

Loop Oriental Cuts Prices of Matinees

Chicago, June 30.—Reduction in matinee prices, effective last Friday, has been made by Aaron Jones, Jr., of the Jones, Linick & Schaefer circuit, for the Oriental.

The new price schedule will be 30 cents to 1 P. M. instead of 35 cents; 40 cents to 6:30 P. M. instead of 55 cents, and the 65-cent evening price remains unchanged.

Republican Meet Costs Nets $332,000

(*Continued from page* 1)

hours of coverage at a cost of $150,000, it was estimated. NBC-Red cancelled six hours and 13 minutes during its 11¼ hours of coverage, while NBC-Blue cancelled one hour and 18 minutes in 18 hours and 10 minutes of coverage. NBC estimated the cost resulting from such cancellations at $75,000 for time and $58,000 for talent for a total of $133,000. Mutual gave 35 hours of coverage but cancellations cost only an estimated $1,200, of which $200 may be recouped through a substitute program.

Television Signals Received at Tulsa

Television sight and sound signals originating at the Republican convention were picked up at Tulsa, 1,800 miles from Philadelphia, NBC officials disclosed over the weekend. This is a record. The images were received for seconds at a time, sufficiently clear to be distinguished. The broadcasts also were received at Lake Placid, N. Y., 325 miles from the convention.

NBC, which operated two networks and its television station, estimated its operating cost at $15,000, while CBS declared it spent $25,000 and MBS, $8,000.

Returning from Philadelphia over the weekend were a whole corps of engineers, announcers, special events and publicity men. The NBC contingent included Frank E. Mason, vice-president in charge of public relations; A. H. Morton, vice-president in charge of television; Clay Morgan, assistant to the president; William Kostka, manager of the press department; A. A. Schecter, in charge of special events; Thomas H. Hutchinson, television program director; Arthur E. Donegan; Benson K. Pratt, Leif Eid, and Warren Williams of the publicity staff. Those from CBS included L. W. Lowman, vice-president in charge of operations; Paul White, director of public affairs; Louis Ruppel, director of publicity; John Fitzgerald, assistant director of public affairs; and Mildred Fish, head of the photographic department. From Mutual were Dave Driscoll, director of special events; Lester Gottlieb, director of publicity; and Adolph Opfinger, program service manager.

Chicago 'Wind' Run Will Be Continued

Chicago, June 30.—Announcements in the daily papers that "Gone With the Wind" would close last Friday at the Woods so increased matinee business that Essaness, who operate the house, decided to continue the showing as long as it continues to do business. It has already played 22 weeks.

Just how much longer it would continue to be shown could not be definitely ascertained.

June 28, 1940

To the Leaders of the Industry:

It is contended that there is no monopoly in the industry, and anybody who differs with this opinion is criticized as being destructive, and ungrateful to the business from which they make a living. We want you, the leaders of the industry, to judge the situation in Chicago and decide whether there is a monopoly or not.

There are hundreds of thousands of Chicagoans not attending motion pictures, who formerly did so. This is due to double-features and triple-features.* The idea of triple-features and additional short subjects may sound ridiculous. However, in one section of Chicago there were, as of Sunday, June 16th, 18 theatres showing three or more features on every program. Business has been so bad that 17 independent theatres, regardless of divergent interests, decided to eliminate the third feature, effective Sunday, June 16th. However, the Belmont Theatre, owned by Balaban & Katz, with a seating capacity of 3,257, ran three features against the independents' two features. The BELMONT THEATRE GETS ALL THE PICTURES BEFORE ALL OF THE SEVENTEEN THEATRES. The BELMONT THEATRE RAN A SHOW LASTING FIVE HOURS. The features were "Rebecca," "House Across the Bay" and "Viva Cisco Kid." The week prior to the "Rebecca" booking the Belmont Theatre played "It's a Date," "Broadway Melody" and "Johnny Apollo" on the same program. With the newsreel and trailers this show ran considerably over five hours.

Hollywood producers and New York distributors contend that with the loss of the foreign market American exhibitors must take up the slack, and good pictures should be played for extended playing time. The independent exhibitors of Chicago are willing to play good pictures for extra days, but how can they run five-hour shows and gross any money? Furthermore, how can you expect people who might want to see a great production like "Rebecca" to sit in a theatre seat for five hours? The mere thought of it is enough to keep a patron away from the theatre! Is a five-hour show, including "Rebecca," good booking?—particularly in view of the fact that it is first-run in the entire district. Would you say there is no monopoly, when ONE FIRM PREVENTS THREE HUNDRED THEATRES from exhibiting pictures in a manner which will not keep people from the theatres? We are not belligerent; we definitely want to be constructive; but, it is most difficult to operate theatres under this form of economic slavery.

We have no right to expect Hollywood to turn out a sufficient number of good pictures for this "automat" type of operation. After all, the independents do not have enough theatres to pay their interest charges with candy money.

IF THE LEADERS OF THIS INDUSTRY CANNOT CORRECT SUCH A DEVASTATING ABUSE AND WASTE OF PRODUCT WE WOULD AT LEAST APPRECIATE PUBLIC UTTERANCES OF CONDEMNATION OF THIS POLICY ON THEIR PART.

JACK KIRSCH,

PRESIDENT, ALLIED THEATRES OF ILLINOIS, INC.

*VARIETY June 26th says: "72% of patrons polled being for solo programs and 28% for duals. Exhib sentiment is almost in the same ratio." In view of this nation-wide VARIETY poll the industry should forget the 'ostrich' policy and immediately stop forcing multiple features on the public. It is not good merchandising to force the public to buy anything it does not want; furthermore, it can't be done successfully.

THANK YOU DAVID O. SELZNICK FOR YOUR PROMPT AND CONSTRUCTIVE TELEGRAPHIC REPLY TO OUR LETTER PUBLISHED IN HOLLYWOOD REPORTER. WE DEEPLY APPRECIATE YOUR SUPPORT.

—Advertisement

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 2 NEW YORK, U. S. A., TUESDAY, JULY 2, 1940 TEN CENTS

Suit Attorneys Approve of Arbitration

Agreement in Principle; Trial to July 8

The only specific agreement reached in the present negotiations for an out-of-court settlement of the Government's New York anti-trust suit is that all factors concerned approve of arbitration of industry disputes.

The mechanics of the arbitration procedure, however, and the problems to be arbitrated are still far from agreement among the principals. While other points of the proposed settlement have also been agreed upon in principle, they still remain to be worked out. The sub-committees have struggled with various suggestions and variations of the proposals, and several drafts have been submitted to the general committee.

Meantime, trial of the suit was adjourned yesterday to July 8. Appearing before Federal Judge Henry W. Goddard to request the adjournment, Assistant Attorney General J. Stephen Doyle told the court that several of the sub-committees have submitted specific proposals for consideration of the Government and attorneys for the defendant companies. Judge Goddard again urged the parties to strive for an early accord.

Among phases of the settlement on which the sub-committees have submitted proposals are clearance and overbuying, and the committee as a whole is now considering them. Source material for the proposals are the in-

(*Continued on page* 4)

Roosevelt Urges Excess Profit Tax

Washington, July 1.—Immediate enactment of a "steeply graduated" excess profits tax was asked of Congress today by President Roosevelt. The national defense effort, the President said, involves a responsibility to see that the burden is equitably distributed according to ability to pay. The excess profits tax should be applied to all individuals and corporations without discrimination, the President said, and he left it to Congress to determine what should constitute a fair rate of profit, beyond which taxes should apply.

306 to Cut Scales For N. Y. Theatres Facing Shutdowns

Operators' Local 306 has decided to reduce the cost per booth to New York City independent theatres in those instances where the house is losing money during the hot weather months and the reduction will prevent the closing of the house.

The action followed the request of the New York I.T.O.A. for conferences concerning a general city-wide cut. The union's executive board declined to grant a blanket reduction or enter into negotiations for such reductions. Instead, the board declared that any individual owner can make a request for a wage revision at his own house.

A committee will study the situation and the reduction will be granted if an investigation proves that the exhibitor's claims are substantiated.

Strong Attractions Ready for Holiday

Broadway first runs will play strong attractions to take advantage of the Independence Day holiday business. Tomorrow, "The Ghost Breakers" will open at the Paramount with Orrin Tucker's band and Bonnie Baker on the stage. On Thursday, "All This and Heaven, Too" will open at the Music Hall and "Susan and God" at the Capitol, and the Roxy will move its opening date forward one day, to Thursday, to have "Private Affairs" for the holiday. The Strand will hold "The Man Who Talked Too Much" and Bob Crosby's band a second week.

The latter film drew an estimated $18,000 for its first three days at the Strand. "Tom Brown's School Days" with a stage show at the Music Hall

(*Continued on page* 4)

E. K. O'Shea Inducted By Bookers' Club

Bookers were extolled as "future executives of the industry" by E. K. (Ted) O'Shea, M-G-M Eastern district manager, upon his induction as first honorary member of the Motion Picture Bookers Club of New York last night at the Hotel Lincoln. About 50 attended.

O'Shea recalled that he started in the film business as a booker 20 years ago and said that in this capacity he obtained his first training in the fundamentals of the business.

Thomas J. Connors, M-G-M Eastern, Southern and Canadian division manager, told the meeting that "the

(*Continued on page* 4)

THEATRE PATRONS PAY NEW DEFENSE TAXES WILLINGLY

Ban on Fight Film Shipments Repealed

Washington, July 1.—President Roosevelt today signed the Barbour bill lifting the ban on interstate transportation of fight films. The bill was passed unanimously by both Houses of Congress this session and removes the prohibition on the transportation of such pictures which has been applied for more than 25 years. The bill, however, has no influence on any state legislation dealing with the showing of fight pictures.

Payment Problem Of British Export

London, July 1.—The newly formed export group of the British Producers Association, in its effort to stimulate the export of British films, already is facing a difficult trading situation.

The problem stems from the recent Treasury order controlling foreign payments for exported British goods. Introduced early in June, the order requires that British films sold in the United States may be paid for only in dollar exchange and not from funds frozen in England.

American interests who heretofore have used money frozen here and who contend the new order is applicable only to negative and positive prints, are apparently outside the scope of the new regulation through the exchange agreement, but the Treasury interpretation includes them.

It was originally understood that the June order was applicable only to those British firms which represented American companies lacking their own distribution units here, and who were told to set up a currency control body of their own. They have not complied with that suggestion, it is understood.

It is the attitude of American interests here that application of the order would be a violation of the exchange agreement and discourage British film deals. A plan for individual exemptions is being discussed, it is said.

Public Accepts Impost As Patriotic Measure Without Objection

A cross-section of opinion across the country on the new Federal admission tax for defense, which went into effect yesterday, indicated that the public is more than willing to pay the additional levy.

Designed to assist in paying the national defense bill, the new law calls for a tax of 10 per cent on all admissions over 20 cents. Virtually all theatres are passing the tax to the public, which yesterday greeted the extra levy with a smilling willingness to do its share in building national defense.

The new tax produced no noticeable effect at Broadway houses, a survey of managers revealed. All Broadway houses added the tax to admission prices with box-office signs calling the addition "Defense Tax," "U. S. Government Tax" or simply, "Tax."

No confusion was noted by box-office attendants. The tax was accepted in a matter-of-fact fashion and many patrons were prepared with the exact amount in pennies. A few asked the doorman why admissions had been increased but paid the increased amount without question when told why the tax had been added.

The consensus among managers was that the advance publicity given the new law apprised the public of the change and that most patrons were prepared for it before coming to the theatre. Newspapers sent reporters and cameramen to theatres yesterday to watch reactions among patrons and to interview them. Pub-

(*Continued on page* 4)

Tax Nets $108 at Hall in First Hour

The new defense tax made the Government $108 richer within the first hour yesterday at the Radio City Music Hall. The regular "early bird" admission of 40 cents was raised to 44 cents. A total of 2,700 persons paid their way in during the first hour.

'Old Glory' Forever

All M-G-M branch offices are prominently displaying an American flag which greets visitors as they enter. A silk flag, three by five feet in size, was sent to all offices by the company last week.

Paul Cravath, Noted Attorney, Dies at 78

Paul D. Cravath, 78, attorney and president of the board of the Metropolitan Opera Co., died at his home in Locust Valley, L. I., early yesterday of a heart attack. Cravath was a member of the law firm of Cravath, De Gersdorff, Swain & Wood, which represented many interests in the industry, including Paramount and RKO.

At present, the firm is counsel for RCA and March of Time. The firm won an acquittal for Warner Bros. in an anti-trust indictment in St. Louis several years ago. Funeral services will be held at 3:30 P.M. tomorrow at Cravath's home, Still House, Locust Valley. Interment will be private.

Lawyer for St. Louis Union Paid $30,000

St. Louis, July 1.—Robert A. Roessel, attorney for the members of the operators' union, Local 143, who wrested control of the union from John P. Nick, has been paid a fee of $30,000 by the union, it is shown in the final report of the receivers, approved by Circuit Judge Ernest F. Oakley.

The union paid Frank P. Aschemeyer, counsel for the receivers, a $12,000 fee, the report stated. Both were voted by the union. In closing the receivership and turning the property back to the union, Judge Oakley complimented the memberhip, receivers and counsel for cooperation in the difficult work of reforming the organization.

Bioff Loses His Last Chance of Clemency

Springfield, Ill., July 1.—William Bioff, Hollywood leader of the I.A.T.S.E., has lost his last chance to obtain release from his 22-year-old conviction through clemency. Bioff is serving a six-month term on an old pandering charge.

Robert Phillips, chief clerk of the Illinois Pardon and Parole Board, said Bioff's application had been continued until Oct. 7 because of his failure to comply with technical requirements. Bioff's prison term will end in September.

Ben Turpin, Famed Comic, Dies at 65

Hollywood, July 1.—Ben Turpin, 65, famed on the silent screen for his cross-eyed comedy, died here today. He had been inactive in recent years. After a recent illness he had been discharged from the hospital as on the road to recovery.

Turpin was one of the first comedians to capitalize on a physical defect, and achieved a high degree of success in the early slapstick days of the screen.

Personal Mention

EDWARD M. SAUNDERS, M-G-M Western division manager, is on a tour of his territory. He is expected back in two weeks.

•

Robert Weitman, Irving Berlin, Nate Spingold, Harry Gold, Louis Bernstein and Hal Horne lunching at Lindy's (51st St.) yesterday.

•

Stanton Griffis, Barney Balaban, George Dembow, Dennis King, John Golden, Nat Karson, Arthur M. Loew, Mort Spring, Al Lewis and Martin Beck at Sardi's yesterday for lunch.

•

Charles O'Reilly, Charles Stern, Maurice Bergman, Charles E. McCarthy, Sol Bornstein, George Weltner and Erno Rapee at Nick's Hunting Room in the Astor for lunch yesterday.

•

Lou Pollock, Hank Linet, William Barnett, Budd Rogers, I. E. Lopert, Douglas Rothacker, Arthur Lee and A. P. Waxman lunching at the Tavern yesterday.

•

Eugene Hayden, projectionist at the Orpheum, Wilkes-Barre, and Gail Yeager of that city were married last week.

•

Tom Farrell, former booker at M-G-M's New York exchange, and more recently at the Boston branch, leaves for Detroit today to assume a post in the sales department there.

•

Irma Sorenson, formerly cashier of the Orpheum in Vancouver, B. C., has been married to James Allen, member of the Royal Canadian Air Force.

WILLIAM R. WEAVER, Hollywood editor for Quigley Publications, arrives in New York today.

•

James J. Jordan of the Universal home office sales department is the father of a nine-pound son, born yesterday to Mrs. Jordan at the University Heights Hospital, Bronx.

•

Arthur Frudenfeld, RKO division manager in Cincinnati, has returned from a vacation in California.

•

William Huff, manager of the Warner Theatre, West Chester, Pa., will motor to Canada this week for his vacation.

•

J. Leonard Mintz, accessories sales head for 20th Century-Fox in Philadelphia, will be married this month to Thelma Solar.

•

Carl Rogers, assistant manager of Loew's, Harrisburg, Pa., will relieve George Peters, manager of Loew's Colonial, Reading, Pa., when the latter goes on vacation July 5.

•

Harry Rose, manager of the Globe, Bridgeport, Conn., is vacationing in Atlantic City.

•

Vaughn O'Neill, assistant at Loew's State, Providence, started his vacation yesterday. Vincent Dunfey of Loew's, Boston, is acting as substitute.

•

William Reisinger, Loew-Bijou manager in New Haven, is vacationing in Dayton, O., his home town, with Nat Rubin managing the Bijou meanwhile.

Shuberts Sue W. B. Over Ainley Pact

The Shuberts, through their Select Theatres Corp., filed a $100,000 damage and injunction suit yesterday in the N. Y. Supreme Court against Warners and Richard Ainley, charging Warners with interfering with the contract it had with Ainley.

The complaint alleges that in July, 1939, Select signed Ainley as an actor for a period expiring Sept. 30, 1941, under the terms of which it has the right to pass on any film contract offered to Ainley and that it had already arranged a contract for him with M-G-M. Application for a temporary injunction will be heard today.

Coast Office Strike Enters Third Week

Hollywood, July 1.—Strike of the American Federation of Office Employes at the Central Casting Corp. entered its third week today without a settlement in sight. No negotiation meetings were held today.

Lou Smith of Col. In N. Y. for Talks

Lou Smith, studio publicity chief of Columbia Pictures, is in town for home office conferences, following a tour of the company's exchange centers on behalf of the Frank Lloyd film, "The Howards of Virginia."

Weeks, Miss Ward In Producing Firm

Phoenix Productions has been formed with George Weeks as president and Anna Belle Ward as vice-president and associate producer. Weeks formerly was vice-president of Monogram in charge of sales and Miss Ward is assistant general manager of the Elliott-Ward Enterprises, theatre circuit, at Lexington, Ky.

The company plans eight Westerns in a series to be known as "The Range Busters," for Monogram release. John King, Ray Corrigan and Max Terhune will be featured.

Farnol Gets Leave For Army Training

United Artists has granted Lynn Farnol, director of advertising and publicity, a one-month leave of absence to take the prescribed course of training at the Citizens Military Training Camp at Plattsburg, N. Y. He will leave Friday and return to his desk early in August.

Monroe Greenthal, director of U.A. exploitation, returns tomorrow after a five-week stay in Hollywood.

On Maiden Flight

Brenda Joyce and Richard Greene will arrive from the Coast July 9 on the New TWA Stratoliner's maiden flight. Both will leave immediately for Baltimore to attend the premiere of "Maryland" June 10.

Miss Bergner and Boyer to Canada For Production

Montreal, July 1.—Charles Boyer and Elisabeth Bergner, signed by Ortus Films, Ltd., of London, to make a film in Canada, are en route here with Michael Powell, director; Roland Gillett, production manager, and a crew of cameramen and technicians.

John Seaborne, film editor [illegible]rtus, with a Canadian camera crew, today shot the Trans-Canadian Highway celebration at Jasper, Alberta, for use as a sequence in the new film.

This is the first big picture to be shot in Canada in several years, and observers see the production as highly significant at this time. Boyer has been given leave from the French army to make the film. Francis Lederer, mentioned earlier as the possible star of the film, is here and may appear in it. The story, by Emerick Pressburger, deals with the crew of a Nazi submarine, wrecked in Hudson Bay, who are absorbed into Canadian life.

John Sutro, financial backer of Ortus, is expected here later. Shooting is expected to take at least three months, and will cover Canada from coast to coast.

Ona Munson Honored At Republic Party

Ona Munson was guest of honor at a Republic Pictures party yesterday afternoon in the Mandarin Room of the Savoy Plaza Hotel. Miss Munson and George (Gabby) Hayes, stars of "Wagons Westward," will make personal appearances with the film next Saturday and Sunday at the Criterion on Broadway.

Among those present at the reception yesterday were James R. Grainger, H. J. Yates, Ralph Poucher, M. J. Siegel, Herman Gluckman, Grover C. Schaefer, Charles Cobourn, Vincent McMahon, Morris Goodman, David Whalen, Charles Reed Jones and Hayes.

Two Leave Paramount

Hollywood, July 1.—Dale Van Every and Stuart Walker leave the Paramount lot this week upon the expiration of their producing contracts.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

CHEER UP AMERICA! "ANDY HARDY MEETS DEBUTANTE"! PREVIEWED AND IT'S A PIP!

"ANDY HARDY MEETS DEBUTANTE" with
Lewis Stone • Mickey Rooney • Cecilia Parker
Fay Holden • Ann Rutherford • Diana Lewis and
Judy Garland • Screen Play by Annalee Whitmore
and Thomas Seller • Directed by George B. Seitz
A Metro-Goldwyn-Mayer Picture

Oh Mister Exhibitor! Just keep on having faith in the Friendly Company that gives you a "New Moon" (*terrific hit in every engagement*) followed by the best Hardy comedy of them all and more good news coming!

Suit Attorneys Approve of Arbitration

(*Continued from page* 1)

dustry trade practice code which was proposed last year, the Department of Commerce proposals and the NRA film code.

With respect to arbitration, the Government, it is said, is holding out for as broad a jurisdiction as possible for the arbitration boards, so that any and all disputes would automatically be turned over to them for adjudication.

The major companies, it is understood, are seeking to limit the jurisdiction of the boards and to confine their supervision to specific problems. It is probable that local boards will be set up in exchange centers with a National Appeal Board to hear appeals from the territorial tribunals.

In addition to arbitration, no agreement has been reached on block booking. One of the proposals would give the distributors the right to offer blocks of 10 films with the privilege to an exhibitor of eliminating two from the group, or the alternative of offering five pictures in a block without the right to eliminate. The idea of local competitive bidding may be dropped with the substitution of compulsory arbitration on any disputes between circuits and independent theatres.

E. K. O'Shea Inducted By Bookers' Club

(*Continued from page* 1)

booker's job is the most important one in running a theatre." He said that despite the demands on the time of Nicholas M. Schenck, M-G-M president, he sees every one of the company's pictures. Booking films, said Connors, is a good training school for future executives.

Other speakers were Max A. Cohen, head of the Cinema Circuit; Sam Shain, editor of MOTION PICTURE DAILY; Jack Bowen, M-G-M New York branch manager; E. W. Aaron, assistant to W. F. Rodgers, M-G-M general sales manager; Ben Abner, M-G-M New Jersey branch manager, and Joseph J. Lee, 20th Century-Fox New York sales manager.

Harold Klein of the Cocalis Circuit is president of the Club and was chairman of the meeting. Other officers are Alex Arnswalder of M-G-M, vice-president; Sol Kravitz, Monogram, secretary, and Ben Levin, United Artists, treasurer.

Strong Attractions Ready for Holiday

(*Continued from page* 1)

grossed an estimated $40,000 for the first four days. At the Roxy "Sailor's Lady" with a stage show took an estimated $9,000 for the first three days. In its second week which ends tonight, "Safari" with Red Skelton's band and Rochester on the stage at the Paramount should do an estimated $31,000. "The Lucky Cisco Kid" drew an estimated $3,900 at the Globe and was followed on Saturday with a revival of "The Lost Horizon."

Theatre Patrons Pay New Defense Tax As Patriotic Act Without Objection

(*Continued from page* 1)

licity men attached to some theatres, however, dissuaded the photographers because of the feeling that there was little to be gained by calling attention to the increase.

Managers asserted that it was too early to appraise the effect of the tax on grosses but the general opinion was that it had had no effect on the first day.

No Admission Change In Los Angeles Area

LOS ANGELES, July 1.—Independent and circuit theatre operators in this area today were united in not changing admission prices in view of the new Federal admission tax, and are adding the tax to the established ticket price. Signs are conspicuously posted in all theatres indicating the levy.

The decision to pass the tax on came over the weekend at a meeting of virtually every theatre operator in the territory at the Boulevard Theatre.

Allied Urges Public Education to Levy

WASHINGTON, July 1. — Allied States, in an organization bulletin from headquarters here, has advised members that most situations are passing the new admission tax on to the public. The organization also urges all members to undertake a comprehensive educational campaign to reconcile the public to the tax, and suggests various exploitation measures, stressing the patriotic defense angle of the levy.

Passing Tax on in Pennsylvania Spots

SCRANTON, Pa., July 1.—Comerford Theatres, operating throughout Pennsylvania, are passing the new tax on to the public. Virtually all other theatres in the area are doing likewise.

No Patron Complaints In Cincinnati Area

CINCINNATI, July 1.—The Federal admission tax is being added to prices in practically all first and subsequent run houses in the Cincinnati territory, which includes Columbus, Dayton and Springfield, O., among the larger situations. There was no complaint by patrons on the new tax. Newspaper publicity was of assistance in forestalling any possible adverse reaction to the levy.

Reaction to Levy Favorable in Chicago

CHICAGO, July 1.—The public reaction to the new admission tax was favorable here today. All those interviewed entering Loop theatres voiced their belief that the defense program is vital to America and there was no objection to paying the tax.

No Adverse Reaction To New Tax in Dallas

DALLAS, July 1.—Robert J. O'Donnell of Interstate Circuit and R. I. Payne of R. E. Griffith Theatres indicated today that the public had been prepared for the new Federal admission tax and that there was no adverse reaction to the new levy. Interstate is passing the tax to the public, as is Griffith in most places, with the exception of a a few high-admission spots where the tax is being absorbed. The national defense factor has resulted in an excellent reaction to the tax, O'Donnell said. Col. H. A. Cole, national Allied president, said that most independents are adding the tax and that the public reaction is good.

Coast Houses Urge 9-Cent Exemption

Los Angeles, July 1.—A resolution was passed at a meeting of theatre operators in this territory over the weekend calling upon the Government to tax every adult admission of 10 cents or more. The I.T.O. of Southern California sent the resolution to Federal authorities today.

The resolution was proposed by George Bromley, operator of a 15-cent house, as a patriotic gesture. A reduction of the exemption to nine cents was originally proposed to a Senate committee as a more equitable measure.

Birmingham Patrons Willing to Pay More

BIRMINGHAM, Ala., July 1.—The public here appears quite willing to shoulder the new Federal admission tax, and some have expressed a willingness to pay even more if it is necessary.

Absence of Protest Is Noticeable in Buffalo

BUFFALO, July 1.—Protests which in the past have accompanied the levy of new taxes are conspicuously absent here with regard to the new admission tax. The first day of the new levy found business "as usual" with no adverse reaction to the tax. Downtown houses charging 55 cents, which would have to charge six cents additional, have dropped the established price one cent to make an even 60 cents admission, while 35-cent tickets have been advanced five cents instead of four to make a flat rate. Neighborhood houses have added the three cents of tax to their 25-cent price.

Sparks Circuit Will Add Tax to Admission

MIAMI, June 30.—Guy Kinnimer, district manager for Sparks Theatres here, said that Sparks Florida houses will keep the same prices as heretofore, and add the new Federal admissian tax, effective today.

Philadelphia Business Good; No Tax Opposition

PHILADELPHIA, July 1.—Business at film houses here today for the most part was better than last Monday, indicating that the public is willingly paying the New Federal admission tax. No incidents were reported at the box-offices of theatres. The public resistance to the city amusement tax when it was enacted was noticeably absent today. Members of the Allied I.T.O. of Eastern Pennsylvania, controlling 150 houses, agreed they would "make no effort to get out from under the tax," Sidney Samuelson, Allied executive, said.

No Antagonism to Tax in Kansas City

KANSAS CITY, July 1.—Theatre patrons were surprised but not antagonistic to the new admission tax at first runs here today.

Public Ready to Pay Tax in Albany

ALBANY, July 1.—The fact that the public was aware of the new admission tax and willing to pay it was indicated by the fact that many came to the box-office today with the correct change to pay the tax. No independents in this territory were affected, since they have a top of 20 cents.

No Reluctance to Pay Shown in Des Moines

DES MOINES, July 1.—No reluctance to pay the new admission levy was shown by the patrons of local theatre stoday. The tax was explained in the newspapers of yesterday, so that the public was fully aware of the amounts. Theatre operators expressed willingness to assist in the national defense program.

Independent exhibitors, circuit officials and exchange men discussed the new admission tax here today, with Leo F. Wolcott, president of the I.T.O. of Iowa and Nebraska, presiding.

Pay Without Question At Houses in Miami

MIAMI, July 1.—The great majority of theatre patrons today paid the new admission tax without question. Many commended theatre attendants on the defense measure. Some, who were unaware of the tax, paid willingly when its purpose was explained to them.

No Effect on Film Grosses in Rochester

ROCHESTER, N. Y., July 1.—The concensus of theatre managers here today was that the new tax has had no effect on business. The public apparently is entirely willing to pay the new tax.

Pay Tax With Smile At Richmond Houses

RICHMOND, July 1.—Theatre patrons here are paying the new defense admission tax smilingly for the most part, and those who were unaware of the levy are paying without objection. The tax apparently has had no effect on business.

Tax Is Passed on In Indianapolis

INDIANAPOLIS, July 1. — Most neighborhood and subsequent runs here increased admissions today to 28 cents. Eighteen neighborhoods, however, went to 30 cents and there is a possibility of others following suit later. The few houses with 15-cent and 20-cent tops remain unchanged. Downtown first runs' new scale is 28 cents during the day and 33 cents and 44 cents at night.

AREN'T THOSE COLOR SCENES *Beautiful* JOHN!

THE NEW
"ONE KILOWATT" ARCS
USE "NATIONAL" "SUPREX"
AND "OROTIP" CARBONS

● I never saw anything more realistic in any theatre. In fact, all the pictures in this theatre are so much better than they used to be. Am I imagining things?

No, Mary, Mr. Robinson, the Manager of this theatre, is a friend of mine and he told me that they have recently installed a new type of projection light known as the "One Kilowatt" High Intensity arc. This new light is designed especially for the small theatres. It is a snow white light like daylight and there is half again as much light on the screen as they had formerly. That's why the pictures are so natural and easy to look at.

All I can say, John, is that it's wonderful and believe me I am going to tell my friends about it. Mr. Robinson is to be congratulated for his progressiveness.

CARBON ARC PROJECTION LAMPS

have a simple but highly efficient optical system.

The words "National" "Suprex" and "Orotip" are trade-marks of National Carbon Company, Inc.

NATIONAL CARBON COMPANY, INC.
Unit of Union Carbide and Carbon Corporation
UCC

Carbon Sales Division, Cleveland, Ohio
GENERAL OFFICES
30 East 42nd Street, New York, N. Y.
BRANCH SALES OFFICES
New York, Pittsburgh, Chicago, St. Louis, San Francisco

44 New Films Currently on Coast Stages

Hollywood, July 1. — Forty-four pictures were before the cameras this week, as 10 started and eight finished. Nineteen were being prepared, and 77 were in the cutting rooms.

The tally by studios:

Columbia

Finished: "It Happened in Paris," "Thundering Frontier."

In Work: "Arizona," "He Stayed for Breakfast," "So You Won't Talk," "Deadwood Dick," "Before I Die."

Started: "Wizard of Death."

M-G-M

In Work: "Strike Up the Band," "Escape," "Bad Man of Wyoming," "Dulcy," "Golden Fleecing."

Monogram

Finished: "Rainbow Over the Range," "Around the Town," "Shadows Over Chinatown."

Started: "Arizona Bad Man."

Paramount

In Work: "Victory," "The New Yorkers," "There's Magic in Music," "Cherokee Strip."

Started: "Arise My Love," "Moon Over Burma."

RKO

In Work: "Lucky Partners," "Dance, Girl, Dance," "Laddie," "Wild Cat Bus," "Triple Justice," "Stranger on the Third Floor," "They Know What They Wanted," "Too Many Girls."

Republic

Finished: "Should Wives Work?" and "Oklahoma Skies."

In Work: "King of the Royal Mounted."

Started: "Ride, Tenderfoot, Ride."

Edward Small

In Work: "Kit Carson," "Son of Monte Cristo."

20th Century-Fox

Finished: "For Beauty's Sake."

In Work: "Brigham Young," "The Great Profile."

Started: "Down Argentine Way."

Universal

Finished: "Margie."

In Work: "Spring Parade," "When the Daltons Ride," "Argentine Nights," "A Little Bit of Heaven," "Son of Roaring Dan."

Started: "Hired Wife."

Warners

Finished: "Ladies Must Live."

In Work: "City for Conquest," "The Letter," "Tugboat Annie Sails Again," "Flowing Gold."

Sigmund Neufeld

Started: "Gun Code."

Robertson Rites Held

Providence, July 1.—Funeral services were held here late last week for James G. Robertson, stage manager for the old Keith Theatre and more recently the RKO Albee theatre, and for the past three years president of Stagehands Local 23, of I. A. T. S. E.

Phila. Associates Start

Philadelphia, July 1.—The Motion Picture Associates of Philadelphia, organization of exchange salesmen, began its existence officially on Saturday when a charter was presented to the group at a luncheon meeting at the Broadwood Hotel.

Hollywood Reviews

"Maryland"

(20th Century-Fox)

Hollywood, July 1.—Introduced with a prologue depicting some of the state of Maryland's claims to fame, while a narrator further extols the state's virtues, the picture "Maryland" devolves into a horse race yarn.

An original screenplay by Ethel Hill and Jack Andrews, the story is that of a woman raised in the tradition of horse-breeding and racing who turns against it when her husband is killed on her favorite hunter.

Her son, however, agrees to race a horse in the Maryland Hunt Cup which turns out to be her own horse, the colt of one she had ordered shot.

Filmed in color, one of the picture's high spots is a portrayal of the race and the countryside. Another is the comedy deriving from a colored revival meeting, in which Ben Carter, as the sinning husband of Academy Award winner Hattie McDaniel, "gets religion."

The cast includes Walter Brennan, Fay Bainter, Brenda Joyce, John Payne, Charles Ruggles, Marjorie Weaver and Sidney Blackmer, while the race is announced by Ed Thorgersen, known for his newsreel announcing. The picture was directed by Henry King. Gene Markey was associate producer.

A preview night audience found the film to its liking, most especially in its comedy moments.

Running time, 92 minutes. "G."* W. S.

"Andy Hardy Meets Debutante"

(M-G-M)

Hollywood, July 1.—This is the type of picture showmen the nation over have been waiting for in order to forget, with their patrons, the war and other troubles. Mickey Rooney and Judy Garland, last in "Babes in Arms," are teamed in "Andy Hardy Meets Debutante," a film which surpasses the already established excellent entertainment standards of its predecessors.

Seen with Rooney and Miss Garland, the latter singing "Alone" and "I'm Nobody's Baby," are the familiar characters portrayed in other Hardy Family pictures by Lewis Stone, Cecilia Parker, Fay Holden, Ann Rutherford, Sara Haden and George Breakston.

This time, in the fast-moving, finely dialogued screenplay by Annalee Whitmore and Thomas Seller, the Hardy family pays a visit to New York, where Rooney finds himself dared to make good his boast that he knows the leading debutante of the season. In an excellent job of acting, Rooney gets himself more involved in difficulties than he ever did in his home town. He wins through in typically Hardy style, however, but not without giving the audience at the preview many deliciously comic moments.

George B. Seitz, identified previously with the direction of several of the more successful Hardy family stories, was responsible for the guidance of this.

A preachment on American traditions and heritage is worked into the dialogue.

Running time, 86 minutes. "G."* Vance King

"The Fugitive"

(Universal)

Hollywood, July 1.—"The Fugitive," an English-made production being released in this country by Universal, presents an exciting, suspenseful, but gruesome, study of a London slum barber, whose first crime, the theft of £100, leads to murder and his subsequent death at the hands of the police. Made as "On the Night of the Fire," from a best selling ((in England) novel of that name by Frederick Laurence Green, the film is of a definitely somber tone, directed throughout in this vein by Brian Desmond Hurst, who managed to bring out effectively the psychological reactions of the main character, who is caught in the maelstrom of growing crime.

Ralph Richardson enacts the title role, supported by a host of capable character actors whose names are unfamiliar to American audiences. Diana Wynyard, the feminine lead, is about the only player known, to audiences of the United States.

Hurst, one time Hollywood figure, Patrick Kirwan and Terence Young wrote the screenplay, with Josef Somlo producing.

Running time, 75 minutes. "G."* Vance King

'Favorite' Is Chicago Best With $21,000

Chicago, July 1.—"My Favorite Wife" with Bill Bardo's band on the Oriental stage, drew $21,000 in a slow week. "Flight Angels" and a Major Bowes unit at the State-Lake accounted for $18,000.

Estmated takings for the w[illegible]nding June 28:

"Waterloo Bridge" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: $5,000. (Average, $6,500)

"Ghost Breakers" (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Buddy & Vilma Ebsen. Gross: $30,000. (Average, $32,000)

"Four Sons" (20th-Fox)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: $3,000. (Average, $5,000)

"My Favorite Wife" (RKO)
ORIENTAL—(3,200) (35c-55c-75c) 7 days, 2nd week. Stage: Bill Bardo & Band. Gross: $21,000. (Average, $13,000)

"Torrid Zone" (W. B.)
ROOSEVELT—(1,500) (35c-55c-75c) 7 days. Gross: $6,000. (Average, $11,000)

"Flight Angels (M-G-M)
STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Major Bowes Amateur Unit. Gross: $18,000. (Average, $15,000)

"Susan and God" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $10,000. (Average, $14,000)

"Gone With The Wind" (M-G-M)
WOODS—(1,100) (75c-$1.10-$1.50) 7 days. 22nd week. Gross: $12,000)

'Scandals' High But Strike Kills St. Louis

St. Louis, July 1.—The brief strike at the Fanchon & Marco houses last week hurt every theatre in town, including the Loew's State, which was unaffected by the walkout of the operators. Grosses were considerably off all over the city, "George White Scandals" leading with $11,500 on the St. Louis stage.

Estimated takings for the week ending June 27:

"The Mortal Storm" (M-G-M)
"The Phantom Raiders" (Col.)
LOEW'S STATE—(3,162) (25c-40c-55c) 7 days, 2nd week. Gross: $8,500. (Average, $13,000)

"Dr. Cyclops" (Para.)
"Brother Orchid" (W. B.)
Fox—(5,038) (25c-40c-55c) 6 days, $7,500. (Average, 7 days, $11,000)

"The Ghost Breakers" (Para.)
"I Can't Give You Anything But Love, Baby" (RKO)
AMBASSADOR—(5,018) (25c-40c-55c) 6 days. Gross: $10,000. (Average, 7 days, $11,500)

"My Favorite Wife" (RKO)
"Buck Benny Rides Again" (Para.)
MISSOURI—(3,514) (25c-40c-55c) 6 days. Gross: $4,000. (Average, $4,000)

"You Can't Fool Your Wife" (RKO)
ST. LOUIS—(4,000) (35c-40c). On the stage: George White's Scandals with Ben Blue and Ella Logan. 7 days. Gross: $11,500. (Average, $2,600)

Circuit Tax Bill Is Killed in Louisiana

Baton Rouge, La., July 1.—The Flower bill to tax circuit theatres in Louisiana, passed by the House, was killed by the Senate. Two other bills withdrawn included the Hatch bill which would have prohibited the operation of more than one theatre by a circuit in towns of less than 20,000 population, and a Senate bill prohibiting theatres from charging more than five cents for children under 15 years of age.

---

*"G" denotes general classification.

"Constructive"

. . . "I READ WEEKLY WITH GREAT INTEREST YOUR HERALD AND DERIVE MUCH CONSTRUCTIVE INFORMATION PERTAINING TO THIS FAST-MOVING BUSINESS." . . .

AL SCHWARTZ
Directing Manager

FOUNTAIN SQUARE THEATRE COMPANY
INDIANAPOLIS, INDIANA

MOTION PICTURE HERALD, $5.00 *a year Domestic,* $10.00 *Foreign; 52 issues with which is combined* BETTER THEATRES, 13 *issues yearly.*

MOTION PICTURE HERALD

ROCKEFELLER CENTER NEW YORK

Petrillo Bans RemotePickup On NBC, CBS

In one of his first official acts, James C. Petrillo, newly elected president of the American Federation of Musicians, has removed all "remote pickup" bands from the two NBC networks and CBS. The NBC ban went into effect Friday night and was extended to CBS yesterday.

Bands heard from the studios are not affected by the order. The dispute arose when Stanley Hubbard, president of KSTP, St. Paul, an NBC affiliate, broke off negotiations with a musicians' local concerning the size of a studio band to be maintained at the station. The local called a strike.

Petrillo Issues Order

When the network refused to stop feeding KSTP, Petrillo ordered all bands playing in hotels, night clubs and similar places not to permit their music to be fed to NBC. A similar dispute at WRVA, Richmond, Va., caused the tieup at CBS.

Studio bands and programs originating in Chicago studios were used to fill the time between 11 P.M. and closing. Mark B. Woods, NBC vice-president and treasurer, conferred with Petrillo yesterday but neither would comment. A further meeting is scheduled for this afternoon.

Effect on "Name" Bands Serious

Observers are puzzled by Petrillo's order because its most serious effect will be on the "name" bands whose names will not be heard over the air. Bandleaders regard the use of remote pickups a valuable asset at an engagement and frequently pay for the line charges themselves. Some interpret the move as the first in a series of efforts to help the local musician at the expense of the big traveling bands. In this connection, it is pointed out that Petrillo did not order the regular studio bands or orchestras employed on commercial programs to stop working for the networks.

On the other hand, the move has been interpreted as a warning by Petrillo to the networks to bring their affiliates into line with the possibility of an extension of the strike if the first move is unsuccessful.

CBS Opens Studio —Surrealist's Dream

Resembling a cross between a surrealist's nightmare and a room plastered by a man who had no plumb line to guide him, the new CBS studio was opened for public inspection last night. No two walls are constructed parallel to each other and the ceiling is a series of curves and beams to prevent it from being parallel to the floor.

Feature of the studio, which is the last word in acoustical design, are a series of "acoustiveins." These are hardwood panels, in five sections, which can be manipulated from the control room to create resonant walls or sound-deadening pockets. Clarence R. Jacobs, CBS sound engineer, was in charge of construction. There are six additional studios in the building, which is at 52d St. and Madison Ave., but they will not be ready for several weeks.

Off the Antenna

MUTUAL gross billings for the first six months of 1940 went over the two million dollar mark for the first time in any year with a total of $2,031,323. This represents an increase of 25.1 per cent over the $1,624,235 for the first six months of 1939. For June, Mutual grossed $299,478, a rise of 31.2 per cent over the same month last year.

Two additional stations joined the network over the weekend, bringing the total to 142 affiliates. The additions, both in Texas, are KRIS, Corpus Christi, on 1,330 K. C. with 500 watts full time, and KRGV, Weslaco, on 1,260 k.c. with 1,000 watts full time.

• • •

All parents would be willing to encourage children to listen to approved radio programs, according to a survey made by the United Parents Associations in New York City. In addition, 85 per cent would be willing to buy the sponsors' products "providing the products appealed to them," and 95 per cent were willing to write to sponsors with their opinions of the programs, according to the survey.

Questionnaires were sent to 60,000 school children, parents and teachers. The children like adventure and mystery programs but not those of a gruesome character, it was said, and asked for more children's programs between 4 and 8 P.M. Among the programs selected for praise by the children were "The Lone Ranger," "Sky Blazers," "Ellery Queen," "I Love a Mystery," "Five Star Final," "One of the Finest," "Information, Please," "Cavalcade of America," Bergen & McCarthy and Jack Benny.

• • •

A series of "Movie Night" programs over Mutual will be "previewed" on Thursday, July 11, with Cedric Hardwicke, Freddie Bartholomew and Jimmy Lydon appearing in "Tom Brown's School Days." The regular series will start July 29 or early in August and will be heard Mondays at 9:30 P.M.

• • •

Program News: *General Foods which held a non-cancellable contract with Kate Smith until Dec.* 31, 1941, *has revised the expiration date and extended the contract to Jan.* 1, 1943. . . . *Cummer Products will replace "What Would You Have Done" with "Metropolitan Airport" over* 45 *stations on NBC-Blue on July* 24. . . . *Effective July* 25, *Kraft Cheese Co. has renewed the "Kraft Music Hall" for one year. The program shifts from* 10 *P.M. to* 9 *P.M. on Thursdays. . . . Mars, Inc., has renewed "Dr. I. Q." over* 59 *NBC-Red stations effective Aug* 26.

• • •

Mutual will start the first of its four pre-convention broadcasts for the Democratic meeting tomorrow at 9:30 P.M. with a talk by Oliver A. Quayle, treasurer of the Democratic National Commitee. A series of four talks also preceded the Republican convention over Mutual.

• • •

"While recognizing the importance of freedom of speech and radio," the board of directors of the National Association of Broadcasters has issued a warning to stations broadcasting foreign language programs to guard against "propaganda inimical to the United States."

Neville Miller, NAB president, in this connection, declared:

"All scripts in foreign languages be carefully read and appraised in the light of American national defense;

"After the station's approval of such scripts, adequate and capable linguists in whom complete confidence may be reposed, shall be utilized to supervise active presentation on the air to prevent possible ad lib insertions or deviations from the scripts;

"A complete file of continuity and script of all foreign language broadcasts should be kept."

• • •

CBS has arranged *an exchange series of four musical programs with Brazil, with the first program broadcast Sunday. The Rio de Janeiro Symphony Orchestra will be heard over CBS in four concerts on Sundays at* 2 *P. M. and CBS will short-wave four programs via WCBX by the Columbia Broadcasting Symphony Orchestra Mondays beginning July* 8. *Native music will be featured. Elizabeth A. Tucker, short wave program director, and Lourival Fontes, minister of propaganda for Brazil, arranged the series.*

• • •

Dramatized political broadcasts during the current campaign should be avoided, Ed Kirby, NAB director of public relations, warned at the meeting of the sales managers' division in Chicago last week. Recorded applause noises and sound effects to simulate political meetings should not be used, Kirby said. Legitimate political meetings and talks from studios should be the only acceptable forms of political broadcasting, he declared.

An Analysis of Broadcasting providing information comparable to media records available in the publishing field will be started soon, it was said. The NAB has approved this service in principle and Peter Paul, NAB research director, is working out its mechanics.

• • •

William C. Gittinger, *CBS vice-president in charge of sales, has released Rate Card No.* 27, *effective July* 15. *Rate reductions are made on five stations and the Hawaiian group. In addition, five stations are added, three have been dropped, five stations have increased their power to* 5,000 *watts night, one in daytime, eight have construction permits to increase to* 5,000 *watts night,* 17 *have increased to* 250 *watts night, and one decreased to* 1,000 *watts night.*

• • •

Martin Block's "Make Believe Ballroom" popularity poll, which has been conducted on a national scale for the first time has Glenn Miller's band in first place followed by those of Tommy Dorsey. Benny Goodman, Kaye Kyser, Gene Krupa, Charlie Barnet, Jimmie Dorsey, Artie Shaw, and Jan Savitt.

Legal Hurdles Hinder B.M.I. Music Deals

Serious legal complications on the rights of composers for compensation through Ascap for radio performances confront Broadcast Music, Inc., in its deals for the purchase of music publishers' catalogues. It is expected that the issue may have to be fought out in the courts.

A deal is pending for the purchase of the Robbins, Miller and Feist catalogues from M-G-M for a reported price of $4,500,000 but the legal question and the unsettled financial situation may block the deal.

It was pointed out yesterday that publishers own the copyrights to songs they publish but that the "small rights" are owned by the composers under the standard contract. Since BMI is primarily interested in broadcast privileges, the question may block any deal. A similar question was raised in 1936 when Warner Bros. withdrew its catalogue from Ascap. At that time, broadcasting stations refrained from playing any Warner music.

BMI officials contend that the publisher owns the dominant right to the copyright and any rights which accrue to the composer are subject to the publishers' ownership of the copyright. When the catalogue is sold, BMI officials contend, Ascap cannot control the radio performances.

Although member stations of BMI authorized the executive board to use its own discretion on purchases of catalogues, there is much doubt whether the radio industry is prepared to pay the reported $4,500,000 for a catalogue at the present time. Many station owners fear that the broadcasting industry may be taken over by the Government in the event of war and are reluctant to spend such a large sum in the present unsettled condition.

Coast Union Seeks Parleys With NBC

HOLLWOOD, July 1.—Stagehands Local 33, I.A.T.S.E., today sought a new series of meetings with NBC officials to negotiate further on demands that I.A.T.S.E. stagehands and other union workers be used in setting Hollywood shows.

Carl Cooper, the union's business agent, said that the negotiations, which are sponsored by the Los Angeles Central Labor Council, have been under way since NBC opened its new building here some time ago. All other stations here have a union shop, Cooper said.

Gulf Oil's Option Is Extended 2 Weeks

The option of Gulf Oil Co. on next season's Screen Actors Guild radio show, which expired yesterday has been extended for two weeks, William Thomas, of Young & Rubicam, the agency handling the show disclosed yesterday. Members of the S.A.G. appear on the program without compensation. The Guild receives $10,000 for each performance and sets it aside for the building fund for a home for aged performers.

FILE COPY
DO NOT RE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 3 NEW YORK, U. S. A., WEDNESDAY, JULY 3, 1940 TEN CENTS

U. S. Seeks Ban On 'Blind Buys' By Screening

One of Major Points in Settlement Talks

Elimination of blind buying by means of trade showings before selling is one of the principal concessions which the Government is seeking from the major companies in the negotiations now being pursued for an out-of-court settlement of the New York anti-trust suit.

Decentralization of chain and circuit product purchasing departments has been proposed as a means to prevent overbuying. Localized purchasing of product permitting the local operators opportunity to bid for films along with the circuits has been proposed as a curb to overbuying.

These restraints plus unit selling in blocks of 10 pictures or 5 pictures comprise the major points in the present trade reform discussions.

There has been no agreement, except in principle, on certain of these points among the sub-committees, and no agreement with the companies can be effected until the general committee of the defendant firms concur.

It has also been established that some of the lawyers and company executives will insist on a "protection" or "escape" clause in any final agreement which will assure their companies and clients freedom of action, in case the proposed consent decree, when once set, does not cover all trade contingencies permanently.

'Rebel' Union Chiefs Sue IATSE Leaders

Los Angeles, July 2.—Ten "rebel" I.A.T.S.E. leaders today had a $250,000 damage suit on file in Superior Court here against the International officers of the union, headed by George Browne, charging conspiracy to deprive them of their livelihood, among other allegations.

The action is an aftermath of last year's fight by the United Studio Technicians Guild to overthrow the I.A.T.S.E. in Hollywood. The suit seeks a receiver for the dissolved Local 37, studio technicians.

No Paper Tomorrow

***Motion Picture Daily* will not be published tomorrow, July 4.**

Aid Recruiting Drive

Milwaukee, July 2.—Thirty-two local theatres have opened their doors to the Army's drive for men by permitting reserve officers to address audiences in three-minute talks. Army officials hope to enlist 1,200 recruits in Wisconsin.

RKO-Cocalis Deal May Be Set Today

Closing of RKO's long delayed deal to acquire seven Cocalis houses is expected to materialize today following a meeting of Operators' Local 306, which will be asked to approve Local 306 membership for Empire State Operators Union members now employed at the Cocalis houses. The union angle has held up completion of the deal, but is expected to be ironed out at today's meeting.

The seven houses, Marble Hill, Pelham, Castle Hill, Ward, Square, Pilgrim and Interboro, all in the Bronx, were closed yesterday. Empire State projectionists who reported to work yesterday were advised to stand by for further instructions and were also told that the houses would reopen as RKO theatres, the union reported.

In admitting the Empire State members to membership in Local 306, the latter union will avoid the possibility of a threatened strike. RKO has refused to close title until the union situation is clarified.

No Gross Losses From Federal Tax, Survey Discloses

With the exception of a single spot, second day reactions across the country indicate that there is no sign of slackening grosses which could be attributed to the new Federal admission tax of 10 per cent on tickets over 20 cents.

Virtually every theatre in the country is passing the tax on to the public, according to additional information from various key situations. There are a few cases where admissions have been dropped to bring the admission to an even figure, including the tax, and some instances of increased prices for the same reason.

Following are telegraphed reactions received yesterday:

No Cleveland Patron Protests on Levy

Cleveland, July 2.—No patron protests against the new Federal admission tax were reported here. Exhibitors are of the opinion that the new levy will have little or no effect

(*Continued on page 8*)

Mexican Houses Total 1,005, Cost $8,000,000 to Build

Mexico City, July 2. — Mexico now has 1,005 film theatres, the building of which cost about $8,000,000, according to a Federal Government report. The total compares with 242 legitimate theatres and 84 bull fight rings.

During the past 10 years, the report shows, Mexico produced 231 pictures which yielded a combined gross revenue of about $9,000,000 in this country and abroad.

Only two of the six studios in the country are now in regular operation.

Mexico Peso Value Continuing Strong

Monetary benefits continue for distributors and exhibitors who have to deal in American money with the continued strengthening of the peso since the sharp break on June 1 from the six to one ratio against the dollar that had lasted for six months. The dollar is now worth from 4.90 to 4.93 pesos. That is giving the distributors more money to send home and enabling the exhibitors to pay much less for American pictures.

Just how the foreign exchange situation will go is highly speculative. Economic conditions in Mexico, financiers believe, are not such that a cheap dollar can be sustained. The strengthening of the peso is largely due to big sums of money Germans and Italians in the United States shipped to Mexico. The national miners' union has appealed to President Lazaro Cardenas to strengthen the dollar, asserting that the five-to-one or less quoted will drive most small companies and all cooperatives to the wall, because of less return from exports and sky-high wages and operating expenses.

Some sources expect the peso to weaken after the presidential elections July 7. Other quarters see the dollar's value sinking to four pesos.

TELEVISION BOOM EXPECTED IN FALL

Networks Will Be Forced To Go Ahead or Yield To Competitors

A race to obtain commanding position in the television field in the choice market of the nation is expected to start in the late Summer or early Fall, according to many television executives. There will be a national boom in the sale of sets as soon as transmitters are located in the various sections of the country, according to expert observers, and it is expected that television will be a major factor before the end of 1941.

Despite the severe criticism meted out by the FCC in its recent television decision, it is the general belief that those companies which have invested heavily in the new art will be compelled to go forward or yield first ranking position to competitors.

This belief is based on the fact that the FCC in its last order allocated television channels in the best cities of the country to those companies which are now active in television. However, the FCC directed those who received the grants to prepare statements concerning the types of service they would be prepared to render and the amount of research they would be prepared to do.

As soon as the license applications are issued, each company will be forced to make a decision either to proceed with construction of transmitters or permit their licenses to go by default to their competitors.

Circuit Ad Heads Aid Defense Drive

Advertising heads of affiliated and independent circuits, at a meeting in the office of George J. Schaefer, RKO president, yesterday formed a committee to cooperate in the industry's effort in behalf of the Government's defense program.

Present at the meeting were: Oscar A. Doob, Loew's, named chairman; Harry Mandel, RKO; Aubrey Schenck, National Theatres; Harry Goldberg, Warner Theatres, and Harry Brandt, president of the New York I. T. O. A. Heads of circuits throughout the country are to be added to the committee. The first move will be the inclusion in theatre programs of a brief article on the defense program, designed to make the military services attractive to parents as a means of stimulating recruiting.

Personal Mention

JOSEPH MOSKOWITZ, assistant to Joseph M. Schenck, 20th Century-Fox board chairman, left yesterday for the Coast on story and talent conferences with Darryl F. Zanuck.

•

Nat Holt, RKO Theatre division manager in Cleveland, has returned to his headquarters after conferences with John J. O'Connor, RKO Theatres head.

•

Edward J. Clark of O'Brien, Driscoll & Raftery is ill at home.

•

Barney Pitkin, RKO manager in New Haven, has just celebrated his 15th wedding anniversary.

•

Pat Casey has returned to the Coast.

•

Charles P. Skouras, Fox West Coast Theatres executive, has returned to the Coast after conferring here with Spyros Skouras.

•

Jack Walsh, M-G-M exploiteer in Albany, is the father of a seven-pound boy, born to Mrs. Walsh at Brady Maternity Hospital.

•

Moe Silver, Warner Theatres zone manager in Albany, has taken a cottage for the Summer at Schroon Lake, N. Y.

•

Robert Carney, assistant at the Majestic, Bridgeport, Conn., is on a two-week leave.

•

Jack O'Connell, assistant at the Roger Sherman, New Haven, leaves next week for a two-week vacation.

•

Charles Cohen of the M-G-M home office publicity department is back from a vacation.

•

William F. Rodgers, William A. Scully, David A. Levy, Sam Shain, Oscar A. Doob, Maurice Bergman, Ted O'Shea, Tom Connors, John W. Hicks, Jr., A. P. Waxman, Russell Holman, John L. Day, Jr. and Max A. Cohen lunching at Nick's Hunting Room in the Astor yesterday.

•

Frank D. Drew, M-G-M branch manager in Cleveland, celebrates a birthday today.

•

Si Fabian, circuit head, returns from Albany today.

•

Robert Ellsworth, New York booker for M-G-M, has a birthday today.

•

Joseph Seidelman, Charles E. McCarthy, Samuel Rubinstein, Ben Jennings, Leo Abrams, William J. Heineman and James A. Jordan lunching at the Tavern yesterday.

•

Leon Netter, Arthur Schwartz, Louis Phillips, Barney Balaban, Adolph Zukor, Austin Keough, John D. Hertz, Jr., Charles Sonin and Oscar Serlin at Sardi's yesterday for lunch.

Page Ferdinand!

It looks as though the inevitable is about to happen. Elsie is going into the movies. She has been working for some time now as a commercial advertising subject with a marked degree of success, and RKO's research director, Harold Hendee, yesterday at the World's Fair screen-tested her for a role in the Towne-Baker RKO film, "Little Men."

Elsie will leave with her cud shortly for Hollywood. She's Borden's contented cow.

70% of Indiana ATO Operate Concessions

Indianapolis, July 2. — Approximately 70 per cent of the 110 members of the A. T. O. of Indiana who responded to an organization questionnaire on the subject operate concessions of some sort in their theatres, the organization reports.

Of the 72 who operate concessions, 48 use popcorn machines, 54 have candy concessions and three operate soft drink concessions. Many houses have both candy and popcorn. The questionnaire indicated that only one concession-operator reported business from the operation is unsatisfactory.

NLRB Gets Data in Scenic Art Dispute

Los Angeles, July 2.—Walter Spreckels, regional director of the N. L. R. B. here, today sent a voluminous file to the board in Washington on the jurisdictional dispute between the Scenic Artists Association and the Moving Picture Painters Local No. 644.

The national board will decide whether an election to determine which organization shall be the collective bargaining agency for the craft shall be held. The dispute has been under way for more than a year.

Variety Club Names Short Life Member

Dallas, July 2.—Paul Short, division manager for National Screen Service here, has been made a life member of the local Variety Club by R. J. O'Donnell, Chief Barker here and assistant national Chief Barker.

Short was awarded the membership for his efforts in staging the celebrations incidental to the national Variety Club convention here.

'Ramparts We Watch' Premiere on July 12

"The Ramparts We Watch," first full-length feature made by March of Time, to be released by RKO, will have its premiere in Washington July 12, Louis de Rochemont, producer, said yesterday. Made with a cast of non-professionals, the film is said to introduce a new technique in feature films, with a story recreating events of the war years 1914-18 in a typical American community.

Ben Turpin Rites Today

Hollywood, July 2.—Services for Ben Turpin, veteran screen comedian, will be held tomorrow. He died yesterday of a stroke.

Theatre Group Sets Drive for England

A promise to use the full strength of the legitimate theatre to save England and defend America was made yesterday in a World's Fair celebration of the American Theatre Wing of Allied Relief Day, by Rachel Crothers, president of the Theatre Wing.

Tickets for a series of events at the Fair were priced at $5, and numerous film, stage and radio players attended. A feature of the program was a long distance telephone conversation between Helen Hayes at the Fair and Mary Pickford on the Coast.

Ask Union Men to Service Coin Films

Chicago, July 2.—John Smith, business manager of the local operators' union, Local 110, has held conferences with officials of Mills Novelty Co., one of the manufacturers of slot machine films, which are expected to be placed on the market shortly.

Smith informed Mills executives that he expected union operators to be used to service the machines, with a probable $100 weekly scale. Under the plan tentatively formulated by Smith, an operator will service the machines and be on call 24 hours a day in the event of a breakdown. Similar union action is anticipated in other parts of the country.

CEA Group Studies Tax Problem Today

London, July 2.—A committee of the Cinematograph Exhibitors Association will meet tomorrow to study the tax situation, in view of the Treasury's recent ultimatum that the industry will be expected to raise considerable additional revenue to help in the financing of England's war effort.

The exhibitor organization committee will determine the extent of the financial burden which the theatres are able to bear, and investigate the problem of increases in admissions based on the practicability of proposed increases in admission taxes.

Lesser, Lubitsch Here for Parleys

Sol Lesser and Ernst Lubitsch are here from the Coast conferring with Maurice Silverstone, U. A. chief executive, on the first of two films they will make for U. A. release. Lubitsch will produce the film, which will go in work immediately. It is not titled as yet. Lubitsch and Lesser plan to leave for the Coast tonight.

British Legislative Plans to Be Outlined

London, July 2.—Sir Andrew Duncan, president of the British Board of Trade, on Monday will address the Films Council, discussing the Government's legislative attitude with respect to the industry.

No revolutionary plans are expected.

'Love' Opens Thursday

Milwaukee, July 2.—Warners' "My Love Came Back" will have its world premiere here on Thursday. Jeffrey Lynn, who plays opposite Olivia de Havilland in the film, will make a personal appearance.

Newsreel Parade

The nomination of Wendell Wilkie by the Republican Party takes precedence in all the new issues of the newsreels, contents of which follow:

MOVIETONE NEWS, NO. 85—Russia moves into Rumania. National defense: Army planes in California, new light machine gun demonstrated in Massachusetts. Willkie at first press conference; McNary and his family. Girls go sailboating in Maine. Florida monkey camp. [illegible]men golfers in Milwaukee contest.

NEWS OF THE DAY, NO. 283—Republican convention, Willkie and McNary speak. New plane for the Army. Compulsary training issue. Kindergarten commencements. Badminton contests.

PARAMOUNT NEWS, NO. 88—Light machine gun tested in New England. Canada urges tourist visits. New hat selling method demonstrated. Unique Bible class in Dallas. Girls go sailing in Maine. Willkie and McNary seen in New York and Philadelphia.

RKO PATHE NEWS, NO. 100—Willkie nominated by Republicans, McNary is running mate. Nazi air raid on England. Last of British troops leave France. U. S. reserve pilots in training.

UNIVERSAL NEWSREEL, NO. 889—Willkie: nomination, acceptance speech and birthplace; McNary nominated for vice-president. Pilots train for combat. New Army planes delivered. Hot dog contest. Isolator wins Brooklyn handicap race.

RKO Promotes Five Of Field Sales Staff

Five RKO field sales force promotions have been made in Pittsburgh, Oklahoma City and Seattle. In Pittsburgh, David Silverman, office manager, was named a salesman. Carl Peppercorn, former Oklahoma City office manager, was moved to the same post in Pittsburgh, replacing Silverman.

Don Tullius was promoted from Oklahoma City assistant booker to booker and office manager, replacing Peppercorn, and Dan Snider was advanced from assistant shipper to assistant booker. Assistant booker Floyd Heninger in Seattle has been named office manager, replacing Wade Renfro, resigned.

Toluboff Dies at 58

Detroit, July 2.—Alexander Toluboff, 58, art director for Walter Wanger Productions, died in Bloomfield Hills, near here, yesterday after a year's illness. Surviving are a widow, the former Theodora MacManus, and a son, Alexander.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

EYES ON M-G-M's “SPORTING BLOOD”!

Talk about a “sleeper”!
Don’t get caught napping on this one!
We *heard* it was a swell picture—
But yesterday we *screened* it and
What a thrill!
Every once in a while there comes an
Unusual, unheralded show like
“Sporting Blood” about which showmen say:
“Why didn’t you tip me off in advance?”
We’re telling you Mister showman—
There’s grand entertainment coming!
There’s heart-throb, gripping action, romance in
M-G-M’s “Sporting Blood.” Please take our tip!
Book it wisely. Promote it enthusiastically!

“SPORTING BLOOD” with ROBERT YOUNG • MAUREEN O’SULLIVAN • LEWIS STONE
William Gargan • Lynne Carver • Screen Play by Lawrence Hazard • Albert Mannheimer and Dorothy Yost • Directed by S. Sylvan Simon • Produced by Albert E. Levoy • An M-G-M Picture

next
page
please!

THE LION ROARS!

Listen!

HERE'S a message from M-G-M to you:
WE'VE got our coats off and our
SLEEVES rolled up.
WE'VE got a job to do and we're meeting it
WITH everything we've got!
WE'RE making great entertainments
AND we're proving that
NOTHING can stop good pictures!
LAST week we launched the big musical
“**NEW** Moon” (*Jeanette MacDonald and Nelson Eddy*)
IT'S a box-office sensation everywhere
AND has electrified every Film Row with
OPTIMISM!
ANOTHER sensation just opened is
“**ANDY** Hardy Meets Debutante” (*with Lewis Stone, Mickey Rooney and all the folks plus Judy Garland!*)
YOU will see for yourself that it's the
BEST of the happy Hardy hits and a
GOLD mine for these times.
WE'VE got more genuinely BIG pictures
FOR release during the summer months!
AND remember that they follow a
WHOLE year of consistent successes!
WE want every man and woman
WHO reads this message to be
CONFIDENT with us, to place
FAITH in us.
WE have made our plans for next season on the basis of optimism that it will be one of the greatest years in show business.
MEANWHILE the Lion is ROARING right now
AND it's a comforting sound that means
SECURITY! STRENGTH! POWER! FRIENDLINESS!

PHONE YOUR M-G-M BOOKER!

“NEW MOON”
Jeanette MacDonald
Nelson Eddy
•
“ANDY HARDY MEETS DEBUTANTE”
Lewis Stone, Mickey Rooney, Judy Garland
•
Watch for
“SPORTING BLOOD”
the Surprise Hit!
•
“PRIDE AND PREJUDICE”
Greer Garson
Laurence Olivier
•
“GOLD RUSH MAISIE”
Ann Sothern
•
“BOOM TOWN”
Clark Gable, Spencer Tracy, Claudette Colbert, Hedy Lamarr
•
“I LOVE YOU AGAIN”
William Powell, Myrna Loy
•
“BUSMAN'S HONEYMOON”
Robert Montgomery

Philadelphia Gives 'Susan' $16,500 Tally

PHILADELPHIA, July 2. — Cool weather and the Republiclican convention gave film grosses a boost. The best business was registered by "Susan and God," giving the Boyd $16,500. "Brother Orchid" did well at the Fox with $15,000, while "All This and Heaven, Too" continued strong at the Earle with $15,000 for the second week.

Estimated takings for the week ending June 26-28:

"Typhoon" (Para.)
ARCADIA—(600) (32c-42c-57c) 3rd run, 7 days. Gross: $3,000. (Average, $2,600)
"Susan and God" (M-G-M)
BOYD—(2,400) (32c-42c-57c-68c) 7 days. Gross: $16,500. (Average, $13,000)
"Johnny Apollo" (20th-Fox)
CARMAN—(2,500) (26c-32c-42c) subsequent run, 8 days, with vaudeville bill. Gross: $6,100. (Average, $5,200)
"All This, and Heaven, Too" (W. B.)
EARLE—(4,000) (75c-$1.14) 7 days, 2nd week. Gross: $15,000. (Average, $14,000)
"Brother Orchid" (W. B.)
FOX—(3,000) (32c-42c-57c-68c) 7 days. Gross: $15,000. (Average, $13,000)
"Torrid Zone" (W. B.)
KARLTON—(1,000) (32c-42c-57c-68c) 7 days, 2nd run. Gross: $3,300. (Average, $3,000)
"My Favorite Wife" (RKO)
KEITH'S—(2,200) (32c-42c-57c-68c) 7 days, 2nd run. Gross: $4,800. (Average, $4,500)
"The Mortal Storm" (M-G-M)
STANLEY—(3,700) (32c-42c-57c-68c) 7 days, 2nd week. Gross: $8,900. (Average, $14,000)
"Lillian Russell" (20th-Fox)
STANTON—(1,700) (32c-42c-57c) 7 days, 2nd week, 2nd run. Gross: $3,900. (Average, $4,500)

'Breakers' $9,500 Kansas City Best

KANSAS CITY, July 2.—"The Ghost Breakers" scored $9,500 at the Newman. "Gaucho Serenade" and Major Bowes' review did $7,900 at the Tower. The weather was hot.

Estimated takings for the week ending June 25-27:

"Four Sons" (20th-Fox)
ESQUIRE—(800) (25c-40c) 8 days. Gross: $1,900. (Average, 8 days, $2,800)
"Turnabout" (U. A.)
"21 Days Together" (Col.)
MIDLAND—(4,000) (25c-40c) 7 days. Gross: $7,900. (Average, $9,500)
"The Ghost Breakers" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days. Gross: $9,500. (Average, $7,000)
"Gaucho Serenade" (Rep.)
TOWER—(2,200) (25c) 8 days. Stage: Major Bowes' 5th Anniversary Review. Gross: $7,900. (Average, 8 days, $6,500)
"Four Sons" (20th-Fox)
UPTOWN—(2,000) (25c-40c) 8 days. Gross: $2,500. (Average, 8 days, $4,000)

13 New Pictures Are Approved by Legion

The National Legion of Decency has approved all of 13 new films reviewed and classified for the current week, seven for general patronage and six for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage — "Anne of Windy Poplars," "Carson City Kid," "Last Alarm," "New Moon," "Pop Always Pays," "Private Affairs," "Tom Brown's School Days." Class A-2, Unobjectionable for Adults—"Grand Old Opry," "Hot Steel," "My Love Came Back," "Sailor's Lady," "South of Karanga," "Wagons Westward."

Feature Reviews

"Stagecoach War"

(Sherman-Paramount)

HOLLYWOOD, July 2.—Bill Boyd is starred in "Stagecoach War," the latest Harry Sherman production for Paramount release and which is a departure from the usual run of Hopalong Cassidy pictures. In the first place, it rates as an historical western, definitely dated as the time before the railroads cut through to the west. Then, too, it has more action, music and romance and a better story than many of the previous offerings. It holds to the high standard of the outdoor action pictures produced by Sherman.

Lesley Selander, long associated with Sherman, directed from a screenplay, based on the Clarence E. Mulford character, and written by Norman Houston, another Sherman service veteran, and Harry F. Olmstead. Joseph W. Engel was associate producer.

The story deals mostly with the rivalry of two men for the Wells Fargo express contract. Boyd is supported by Russell Rayden and Britt Wood, cast regulars; Harvey Stephens, J. Farrell MacDonald, Julie Carter, Rad Robinson, Frank Lackteen, the King's Men and others.

Running time, 63 minutes. "G."* VANCE KING

"Danger Ahead"

(Monogram)

In this lively film, the adventures of Renfrew of the Mounted include the solving of a gold robbery and a murder. The picture follows the action formula which has long satisfied that type of audience which clamors for action. James Newill as Sergeant Renfrew, sings a few songs, the lyrics of which are appropriate.

The screenplay was written by Edward Halperin from Laurie York Erskine's novel, "Renfrew's Long Trail." Ralph Staub directed. In support of Newill are Dorothea Kent, Guy Usher, Maude Allen, Harry Deap and John Dilson.

Newill and an assistant seek to solve the disappearance of an armored car which had been carrrying a shipment of gold. Miss Kent, student of criminology, and daughter of Newill's chief, applies modern methods unsuccessfully in her attempt to aid Newill. The culprits are finally uncovered and brought to book in an exciting pursuit.

Running time, 57 minutes. "G."*

"Grand Ole Opry"

(Republic)

The musical numbers of this film are numerous and in tuneful, hillbilly style. The story is rich in originality, contains subtle humor and some slapstick comedy, and tops these with a dash of corn cob philosophy.

As far as the talent is concerned, the picture is principally a family affair. Leon, Frank and June Weaver head the cast with Loretta Weaver among the supporting players. These include Lois Ranson, Allan Lane, Henry Kolker, John Hartley and Purnell Pratt. Frank McDonald directed the original screenplay of Dorrell and Stuart McGowan. Cy Feuer acted as musical director.

The story concerns the attempt of two politicians to pass a local bill detrimental to farmers. Interference on the part of the citizens of the town of Hopeful, and the nomination of Abner Weaver as governor result in defeat of the bill. The picture offers light-hearted, amusing entertainment.

Running time, 68 minutes. "G."*

"G" denotes general classification.

'Dance' Role Changed

HOLLYWOOD, July 2. — The role assigned to the late Maurice Moscovich in the Erich Pommer-RKO film, "Dance, Girl, Dance," has been changed to a female part, and Maria Ouspenskaya has been cast in the role of the Russian dance director, which Moscovich started.

Ford Takes RKO Post

SEATTLE, July 2. — Harry Cohen, western district sales manager for RKO, is here to install Fred Ford as exploitation director in the Pacific Northwest territory. Ford succeeds Lou Maren here.

RKO Signs Hitchcock

HOLLYWOOD, July 2. — RKO has signed Alfred Hitchcock to direct two pictures, through a special arrangement with Selznick International. The first will be "Mr. and Mrs. Smith," starring Carole Lombard, and the second will be "Before the Fact," tentatively set for Anne Shirley.

Establish Trio Films

Martin J. Lewis, H. S. Rosenwald and Harold S. Neuberger have formed Trio Films, Inc., for the distribution of foreign films. The first will be an English musical, "Break the News."

'Million' Pulls Good $10,500, Leads Frisco

SAN FRANCISCO, July 2.—"One Million B. C." was strong at the United Artists with $10,500. "His Favorite Wife" drew $12,500 at the Golden Gate. Other grosses were off.

Estimated takings for the weel[illegible]d-ing June 25-28:

"His Favorite Wife" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days, 3rd week. Stage: Vaudeville. Gross: $12,500. (Average, $15,000)
"You're Not So Tough" (Univ.)
"The Lone Wolf Meets a Lady" (Col.)
ORPHEUM—(2,440). (15c-30c-35c-40c) 7 days. Gross: $7,000. (Average, $8,000)
"The Mortal Storm" (M-G-M)
"Captain Is a Lady" (M-G-M)
FOX—(5,000) (15c-30c-35c-40c) 7 days. Gross: $13,500. (Average, $16,000)
"Brother Orchid" (W. B.)
"Those Were the Days" (Para.)
PARAMOUNT—(2,740) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $9,500. (Average, $11,500)
"One Million B. C." (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days. Gross: $10,500. (Average, $8,000)
"The Ghost Breakers" (Para.)
"Lucky Cisco Kid" (20th-Fox)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $6,200. (Average, $6,000)
"Four Sons" (20th-Fox)
"Charlie Chan's Murder Cruise" (20th-Fox)
WARFIELD—(2,680) (15c-30c-35c-40c) 7 days, 2nd week. Gross: $10,500. (Average, $12,000)
"The Baker's Wife" (Foreign)
CLAY—(400) (15c-35c-40c) 7 days. Gross: $1,300. (Average, $1,000)

'Danger' and Show $10,000, Milwaukee

MILWAUKEE, July 2.—"Danger on Wheels" and Hattie McDaniel on the stage drew $10,000 at the Riverside. "The Mortal Storm" and "I Was An Adventuress" took $6,600 at Fox's Wisconsin.

Estimated takings for the week ending June 25-27:

"The Light of Western Stars" (Para.)
"21 Days Together" (Col.)
PALACE—(2,400) (25c-35c-50c) 5 days. Gross: 3,000. (Average, $4,000)
"Turnabout" (U. A.)
"The House of Seven Gables" (Univ.)
WARNER—(2,400) (25c-35c-50c), 7 days. Gross: $5,000. (Average, $4,500)
"Susan and God" (M-G-M)
"The Ghost Breakers" (Para.)
STRAND—(1,400) (25c-35c-50c), 7 days. Gross: $2,100. (Average, $1,500)
"Danger on Wheels" (Univ.)
RIVERSIDE — (2,700) (25c-30c-40c), 7 days. Stage: Hattie McDaniel. Gross: $10,000. (Average, $6,500)
"The Mortal Storm" (M-G-M)
"I Was An Adventuress" (20th-Fox)
WISCONSIN—(3,200) (25c-35c-50c), 7 days. Gross: $6,600. (Average, $5,500)

'Bridge' at $5,400; Slump Hurts Omaha

OMAHA, July 2. — Summer slump hit this city hard, sending all first runs below average. "Waterloo Bridge" took $5,400 at the Omaha for the week's best.

Estimated takings for the week ending June 26-27:

"House of the Seven Gables" (Univ.)
"Black Friday" (Univ.)
BRANDEIS—(1,200) (25c-35c-40c) 7 days. Gross: $3,600. (Average, $4,000)
"Waterloo Bridge" (M-G-M)
"King of the Lumberjacks" (W. B.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $5,400. (Average, $6,000)
"Dr. Kildare's Strange Case" (M-G-M)
"Florian" (M-G-M)
ORPHEUM—(3,000) (25c-40c) 7 days. Gross: $5,700. (Average, $7,200)

WITH GOOD REASON

FROM long experience, cameramen confidently rely on Eastman negative films to more than meet today's production requirements. Extra quality—reserve power—supports each film's special ability; and each is firmly established as the raw-film favorite, with good reason. Eastman Kodak Company, Rochester, N. Y.

J. E. BRULATOUR, INC., *Distributors*
Fort Lee Chicago Hollywood

PLUS-X
for general studio use

SUPER-XX
when little light is available

BACKGROUND-X
for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

NBC and CBS June Billings At New Highs

Gross client expenditures on NBC and CBS during June soared to new highs with CBS reporting an increase of 9.9 per cent over the same month last year and NBC a 7.7 per cent rise. The total for the first six months of 1940 was $24,559,876 for NBC, an increase of 8.7 per cent over the same period last year while CBS grossed $20,457,372, an increase of 20.7 per cent over last year.

For June, CBS grossed $3,144,213 as compared with $2,860,180 in June 1939. NBC-Red grossed $2,919,405 during June, a rise of 5.8 per cent over June, 1939, with a six-month total of $19,326,846, an increase of 6.5 per cent. NBC-Blue grossed $722,695 during June, a 16.1 per cent increase over last June, and a total of $4,449,500 for the first six months of 1940, a rise of 17.6 per cent.

Mutual's billings, released Monday, increased 31.2 per cent for June and 25.1 per cent for the six-month period.

Seeks Permission For Atlanta Station

WASHINGTON, July 2. — Application for a construction permit for a new 550-kilocycle broadcasting station, with 1,000 watts power night, 5,000 watts day, has been filed with the Federal Communications Commission by the Constitution Broadcasting Co., Atlanta.

Also received was an application from KYW, Philadelphia, for an increase of power from 10,000 to 50,000 watts.

Milwaukee Starting Probe of Carnivals

MILWAUKEE, July 2.—The Public Service Committee of the Common Council will undertake a study of the carnival problem here as a result of a campaign against this form of entertainment by the Milwaukee Booster Club, a civic organization, and the Vliet Street Advancement Association.

The shows, according to the organizations, are deleterious to "public business and morals."

Roosevelt, Bronston Sued

LOS ANGELES, July 2.—Kurt Siodmak, writer, today filed suit for $11,800 against Samuel Bronston Productions and James Roosevelt's Globe Productions, seeking an amount assertedly due him on a writing contract with the dissolved Commodore Pictures. Bronston and Globe acquired the assets of Commodore, Siodmak asserts, and therefore is liable for his salary.

Wins 'Zenobia' Contest

F. V. Dinnerman of Keith's, Cincinnati, has won the $250 first prize in the national exploitation contest on Hal Roach's United Artists film, "Zenobia." Second prize of $75 went to S. B. Hale, Jr., Lyric, Spearman, Tex., and third of $50 to Charles Smakwitz, Lincoln, Troy, N. Y.

Off the Antenna

THE steady rise of radio as a major advertising medium is graphically portrayed in a comparison of network billing figures for the first six months of past years:

	NBC	CBS	MBS
1930	$9,234,611	$3,904,193	(none)
1935	16,426,863	9,222,536	$601,022
1936	16,061,092	11,185,775	927,920
1937	19,948,107	14,803,265	1,165,620
1938	21,023,674	15,582,555	1,342,179
1939	22,598,937	16,952,973	1,624,235
1940	24,559,876	20,457,372	2,031,323

In 1930, the total number of sets in this country was 11,500,000, according to NBC estimates, while the present total is estimated at 44,000,000.

• • •

Program News: *"Vox Pop" starts its sixth year as a network show tomorrow over CBS. . . . Col. Stoopnagle will be heard with his "Quixie Doodle Contests" over 52 CBS stations on Sundays 5:30-6 P.M., beginning Sept. 29, with Mennen Co. as sponsor. . . . Camel cigarettes will sponsor Bob Crosby over 52 NBC stations at 7:30 P.M. Thursdays beginning July 11. Crosby's Saturday night spot for the same sponsor will be taken over by the "Uncle Ezra" program. . . . Vanti Pa-Pi-A is sponsoring another program over WOR Mondays at 8:30 P.M.*

• • •

Industrial labor disputes will be arbitrated over the air in a new program which will start over WMCA next Tuesday, 9-10 P.M. All employee relationships will be heard whether involving unions or not. The parties will be required to sign agreements which will give legal effect to the decision of the arbitrators.

Samuel Zack, who was named by Governor Lehman as impartial chairman in arbitrations before the New York State Mediation Board, will act as a permanent arbiter on the WMCA board. Two guests will aid him. On Tuesday's show, John P. Boland, chairman of the New York S.L.R.B., will appear as guest.

It may be noted that in at least one case previously decided by the courts, arbitration awards made by a radio "court" have been set aside on the ground that radio programs are designed principally for listener entertainment and awards made within the limitations of time imposed by radio cannot be held legally valid.

Theatre Changes

Enlarge Long Island Drive-In

After operating the "Drive-In Yourself" theatre, on Sunrise Highway, Valley Stream, L. I., only four weeks, Sol Shontag has increased the capacity from 650 to 1,000 cars, charging 35 cents for car parking plus 35 cents per occupant.

Closes in Cincinnati

CINCINNATI, July 2.—The Gayety, playing burlesque and pictures, but which played a short season of straight pictures, has closed for the Summer. The house will reopen late in August with a burlesque and picture policy.

Remodel Cincinnati House

CINCINNATI, July 2.—The 300-seat Royal, downtown subsequent run unit of the local Associated Theatres, has closed for complete remodeling, including a new front and new seats.

Change Summer Policy

NEW HAVEN, July 2.—Fishman Theatres have adopted a one-change Saturday and Sunday operation for the 499-seat Apollo for the Summer. The house formerly had three changes a week.

Renovate Connecticut House

SHELTON, Conn., July 2.—Morris Hadelman has closed the 650-seat Shelton for renovation and installation of 300 new seats.

Renovate Philadelphia House

PHILADELPHIA, July 2.—The Girard, independent neighborhood house, has closed to undergo a complete renovation, including a change in name. Walter Potamkin, manager of the house, said it will reopen early in August.

Remodel Philadelphia Unit

PHILADELPHIA, July 2. — Thomas Lazarick has closed the Castle for extensive alterations, to be completed in time for an early Fall opening.

Open Pennsylvania House

PHILADELPHIA, July 2.—The Koff-Munzer interests have added the New Darby, new house in the suburban Darby Section.

Takes Kansas Theatre

KANSAS CITY, July 2.—Joe Allard, formerly with W. D. Fite's Kansas in Kansas City, Kan., has taken over the Majestic in Louisburg, Kan., is remodeling the house, and will reopen shortly. He will rename it the Tivoli.

Reopen Vancouver House

VANCOUVER, B. C., July 2. — Famous-Players' Dominion here, second run house, has reopened after complete renovation.

Manages Indianapolis House

INDIANAPOLIS, July 2.—Joseph Coffey has been named manager of the Paramount, downtown subsequent run.

Close Camden Theatre

CAMDEN, N. J., July 2. — Towers Theatre, the only vaudeville house in the city, has closed until Aug. 23, according to A. M. Ellis and Martin Ellis, owners and heads of Towers Theatre Co.

Plan Delaware House

PHILADELPHIA, July 2.—Armand D. Carroll, local architect, has completed plans for a theatre and store development to be built in Edge Moor, Del., by the Wilmington Construction Co. The film house will seat 850.

No Gross Losses From Federal Tax, Survey Discloses

(Continued from page 1)

on grosses. All theatres are passing the tax on to the public.

Slight Decrease in Jacksonville Attendance

JACKSONVILLE, Fla., July 2.—There was a slight decrease in tick[illegible]ales at local theatres yesterday, f[illegible] day of the new admission tax. All theatres here are passing the levy on to the public.

Some Milwaukee Spots Raise Prices

MILWAUKEE, July 2.—The first run Fox and Warner houses have increased admissions five cents to take care of the new Federal tax. The Riverside, combination film and vaudeville house, merely has added the levy, while some outlying houses have reduced prices to keep the admission as before, including the tax.

Maintain Even Prices in Buffalo

BUFFALO, July 2.—Local theatre owners have decided on new admission scales, including the new Federal tax, to bring prices in downtown houses to an even figure. Only neighborhood houses have odd-figure admission scales.

Three downtown houses have arrived at 30-cent figures until 6 P. M. and 40 cents after 6 P. M. Prices before the tax were 25 cents and 35 cents. New prices include the tax plus a two-cent boost.

New Haven Patrons Accept Tax Willingly

NEW HAVEN, July 2. — Universal acceptance on the part of the public of the new admission tax is noticeable here.

No Public Resistance Noted in Milwaukee

MILWAUKEE, July 2.—Business here has been on a par with usual grosses, indicating no public resistance to the new Federal admission tax.

Grosses Hold Up Well in Boston

BOSTON, July 2.—The public here gave evidence of no reluctance to shoulder the new admission tax. Today's grosses held up to the normal average business as well as yesterday.

Lincoln Taking New Tax in Stride

LINCOLN, July 2.—Patrons here are taking the new tax in stride, with little comment at the box-office. The public had been prepared for the tax through advance newspaper stories.

St. Louis Suit Ends

ST. LOUIS, July 2.—After 51 "court days," the suit of Fanchon & Marco, Inc., for the return of $42,200 allegedly paid in legal fees to three St. Louis lawyers has been taken under advisement by Circuit Judge Joseph J. Ward, before whom the case began Feb. 26. Arguments by counsel, however, will not be made until September.

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 4 NEW YORK, U. S. A., FRIDAY, JULY 5, 1940 TEN CENTS

Petrillo Gets Philadelphia Music Strike

Meets Warner and Union Agents Here Today

James C. Petrillo, newly elected president of the American Federation of Musicians, today will hold a meeting here with Frank Phelps, labor contact for Warners, and A. Rex Riccardi, secretary of Musicians Local 77, Philadelphia, following a union request that he take over the negotiations in the Philadelphia musicians' strike against Warner Philadelphia houses.

The eight-month-old strike of musicians against the circuit was turned over to the new A.F.M. president following a resolution passed by the membership of the Philadelphia union. Petrillo was given power to act for the local in the strike situation.

The national union president declared on Wednesday that he preferred the matter to be handled by the

(*Continued on page* 4)

Skouras, RKO Pool 7 Cocalis Houses

Seven Cocalis houses in the Bronx on Wednesday were acquired by RKO and Skouras Theatres in a pooling arrangement. Of the seven, RKO will operate the Pelham, Castle Hill and Marble Hill, and Skouras will operate the Ward, Square, Pilgrim and Interboro. Operation under the new ownership started yesterday. Operating policies will remain unchanged for the time being, as the

(*Continued on page* 4)

Rialto Enjoined On 'Fifth Column'

Midtown Theatre Corp., operator of the Rialto, and Film Alliance of the United States, on Wednesday were temporarily enjoined from using the title "Fifth Column Squad" for a film scheduled for the theatre.

The injunction, issued by N. Y. Supreme Court Justice Felix C. Benvenga, had been sought by Ernest Hemingway, Ben F. Glazer and the Theatre Guild, Inc., claiming they had exclusive right to "Fifth Column," the title of a Hemingway play.

U.S. Appeals Court Reverses Goldwyn U.A. Suit Dismissal

PHILADELPHIA, July 4.—The U. S. Circuit Court of Appeals has reversed in part a decision of the Federal District Court in Wilmington which dismissed the suit of Samuel Goldwyn against United Artists. The appellate court, however, instructed Federal Judge John P. Nields to hold a hearing to determine whether Goldwyn should be permitted to proceed with the Wilmington suit, in view of the fact that he has another suit pending on similar grounds in the New York Federal Court, or whether the Wilmington suit should be dismissed and the trial continued in New York.

The basis of the appellate court's reversal was the fact that Judge Nields previously had held that Alexander Korda and Douglas Fairbanks were required as defendants in the suit. In disposing of this contention, the appellate court ruled that Korda and Fairbanks were not "indispensable" but left the question of the New York or Wilmington suit up to Judge Nields.

Goldwyn seeks a declaratory judgment stating that his distribution contract with U. A. has been breached and permitting him to withdraw his productions from that company. Goldwyn contends that an agreement by U. A. to distribute certain pictures of Korda and Fairbanks was a violation of his own contract with U. A.

C.P.A. on Deck

Kansas City, July 4.—Jay Means, who operates the Oak Park, 25-cent suburban house here, is advertising the presence of a certified public accountant in his lobby each evening so that patrons can confer with an expert on the payment of admissions, now that the Government 10 per cent tax has been added on top of the state's two per cent sales tax. Means sought unsuccessfully to get other 25-cent houses to go to 30 cents when the tax went into effect.

Ascap Washington Hearing In Sept.

TACOMA, Wash., July 4.—The Federal District Court here early in September will hear a motion by Ascap to confirm a special master's report that the court has jurisdiction in the action brought by the Society attacking the constitutionality of the State's anti-Ascap law.

The District Court originally declared it had no jurisdiction and, on appeal, the U. S. Supreme Court returned the case to the lower court for a determination of the point. A special master, after hearing testimony, decided the District Court had jurisdiction in the case. Herman Finkelstein

(*Continued on page* 4)

Picture Stars Need Good Plays for Stage Success

PITTSBURGH, July 4.—Actors with film reputations draw well at the box-office only when they have a good play to support them, Harry Brown, manager of the Nixon Theatre here, concludes in revealing that grosses for the city's only legitimate theatre approximated $418,000 for the 1939-'40 season of 29 weeks.

In one of the most successful seasons of the decade, the Nixon presented seven musicals and four play premieres.

Top box-office attractions were Victor Moore and William Gaxton in "Leave It to Me" and Katharine Hepburn in "The Philadelphia Story," both doing about $30,000. Next in importance of business were Helen Hayes in "Ladies and Gentlemen" with $28,300, "George White's Scandals," $27,300; Bill Robinson in "The Hot Mikado," $23,200 on the first of two engagements; John Barrymore in "My Dear Children," $23,000; Raymond Massey in "Abe Lincoln in Illinois," $22,100 and "No Time for Comedy" with Katherine Cornell and Francis Lederer, $18,500.

Other attractions featuring stars with film followings were Donald Cook with Gertrude Lawrence in the premiere of "Skylark," $14,500; Ethel Barrymore in the premiere of "Farm of Three Echoes," $9,700; Edward Everett Horton in "Springtime for Henry," $12,200; Laurette Taylor in "Outward Bound," $8,500; Ruth Chatterton in "Tonight We Dance," $4,000; George Houston in "Vagabond Hero," $3,100; Simone Simon, Mary Brian, Mitzi Green and Stepin Fetchit in "Three After Three," $16,000; Walter Huston in the premiere of "Passenger to Bali," $4,100; Paul Muni in "Key Largo," $21,000; John Garfield in the premiere of "Heavenly Express," $5,500.

The longest in some years, the season was not the best in local history.

U. S. Fighting Nazi Films in Latin America

Counteracts Propaganda Of Free Pictures

WASHINGTON, July 4.—The granting by the United States Government last month of a $20,000,000 loan to Argentina is reported to have already aroused a more friendly spirit toward this country, and is aiding in counteracting the Nazi propaganda films which are offered for little or nothing throughout South America.

As part of the frantic effort of German agents to sabotage President Roosevelt's proposals for a Western Hemisphere cartel to dispose of South American surpluses, socalled "news reels" for theatres and "news services" for newspapers are given virtually free.

While the Administration for some time has been countering totalitarian propaganda over the radio, through the international stations in this country permitted the use of the Government-reserved frequencies, it has made no overt effort to counteract the Nazi films except to spur the American news-reel companies to special efforts in the Latin American countries.

Anxious to avoid even the suggestion of interference in the affairs of the Latin American republics, the Administration currently is taking no

(*Continued on page* 4)

Cuba's Block Sales Ban Terms Drastic

Home offices this week received the details of the recent drastic Cuban Presidential decree banning block and blind selling.

The measure, sponsored by Dr. Oscar Bonachea, Secretary of Commerce, and which went into effect recently, outlaws block booking and the contracting or renting of films before they are made and without "the most exact possible" synopsis to the exhibior. The measure is similar to the Neely bill, imposes fines and provides for distributor cooperative ads on percentage bookings.

'Pride and Prejudice' To Play Music Hall

Radio City Music Hall has closed with M-G-M for "Pride and Prejudice." The picture will follow the runs of "All This, and Heaven Too" and "South of Pago Pago," probably about mid-August.

Personal Mention

J. ROBERT RUBIN, vice-president and general counsel of Loew's, is expected at his office next week.

●

ARNOLD BERNSTEIN, son of DAVID BERNSTEIN, treasurer of Loew's, Inc., and MRS. BERNSTEIN, and JEANNE MARY POSTLEY were married early this week at the bride's home in Scarsdale.

●

FRANK PHELPS, Warners labor contact, returns today from Hartford.

●

ARTHUR SILVERSTONE left for Montreal on Wednesday.

●

VINCENT KORDA, production designer for ALEXANDER KORDA, is here from England en route to the Coast. He arrived Wednesday in Montreal.

●

ADOLPH HAAS and HARRY COTTON are in Colorado Springs on business.

●

BEN WASHER is spending the weekend at Louisville, Me.

●

HELEN HAYES and CHARLES MACARTHUR, her husband, arrived on the Coast yesterday for a brief visit.

●

WILLIAM KAROL, managing director of Pan-American Films Corp., Havana, is here for a visit.

●

MR. and MRS. BEN SMITH of Pamo Films, Albany, have returned from a Toronto visit.

●

MRS. GEORGE SEED, wife of Fabian's Cohoes city manager, was operated on in Albany Hospital this week.

●

TIMOTHY J. CLEARY, M-G-M salesman in Indianapolis, has a birthday Sunday.

●

TONI SPITZER of the RKO publicity staff will leave the hospital today, having recovered from an appendicitis operation.

●

JEFFREY LYNN arrives today from Milwaukee.

●

LEE V. HADIN, new products manager of Wurlitzer Co., is on a two-week vacation.

Lindy's INC.
RESTAURANTS

1626 BROADWAY 1655
(Next to the Rivoli Theatre) (51st Street Corner)

For over 20 years the luncheon and dinner place for Motion Picture People

Sole agents in New York
for FAMOUS
BLUM'S ALMONDETTES
from
San Francisco, California

'Cheer-Up Week'

Des Moines, July 4.—Tri-States Theatre Corp. started "Cheer-up Week," today, July 4, when Paramount's "The Ghost Breakers," and M-G-M's "Andy Hardy Meets a Debutante," were shown in all cities of the circuit where there are two "A" houses.

Dismiss Stockholder Consolidated Action

Two stockholders' suits brought against Consolidated Film Industries, Inc., its officers and directors, Republic Pictures and Cajo Co., Inc., were dismissed on Wednesday by N. Y. Supreme Court Justice Carroll Walter after trial.

The opinion decided that no excess salary had been paid to Consolidated officers and that there had been no waste in connection with the purchase of stock of Republic Pictures and Cajo. At the same time, the court upheld the validity of a number of loans extended by Consolidated to Republic, stating that no objections had been raised by stockholders at the time the loans were made and that there was "no fraud or concealment committed by the directors."

Indianapolis Apollo Files Anti-Trust Suit

INDIANAPOLIS, July 4.—The Apollo Amusement Co., operator of the Apollo, charges other first runs here and eight major distributors with conspiring to destroy the Apollo and keep first run features from it in a suit asking $876,600 damages filed in Circuit Court. Triple damages are sought.

The action charges violation of the Indiana Anti-Trust Act. Fourth Avenue Amusement Co., which operated the house until June 1, also is a defendant. Others named as defendants are the Circle and Indiana, Warners, Loew's, 20th Century-Fox, M-G-M, Columbia, Paramount, RKO, U. A. and Universal.

Omaha Houses Face Lottery Law Charge

OMAHA, July 4.—Six local houses have been named in a Supreme Court order to show cause why they should not be cited for contempt for violation of a 1937 lottery ruling in running Prosperity Clubs.

The citation was asked by Omaha City Attorney W. W. Westrand. Named were Sam Epstein, Epstein circuit; Will Singer, Brandeis; Ralph Goldberg, Independent Theatres, Inc.; William Miskell, Orpheum, and two representatives of the Tri-States—Paramount Theatres.

Eastman May Move Child Refugees Here

ROCHESTER, July 4.—Eastman Kodak Co. has announced a tentative plan to bring children of employes working at Kodak, Ltd., the British subsidiary, to the United States and Canada. The children would be housed in homes of employes in the two countries.

The announcement stressed the fact that the plan is tentative but asked employes to signify their interest.

S.W.G., Producers Agree on Contract

HOLLYWOOD, July 4.—Representatives of the Screen Writers Guild and the producers have reached a tentative agreement on a short term contract, thus climaxing a S.W.G. fight of years for recognition.

The statement said, "The bargaining representatives of the producers and the S.W.G. have come to a tentative agreement on a short term contract. This contract is subject to ratification by the boards of the several companies and by the S.W.G. membership." The executive board of the S.W.G. shortly will call a membership meeting, when details of the contract will be made public. No terms will be disclosed until the pact is ratified by both parties.

The guild is believed to have scored a major victory in obtaining a short term contract, since this was one point on which negotiations were stymied two years ago.

Present Paramount Officers Reelected

All present officers of Paramount Pictures, Inc., were unanimously reelected at a special meeting of the directors Wednesday.

The officers are: Barney Balaban, president; Adolph Zukor, chairman of the board; Stanton Griffis, chairman of the executive committee; Y. Frank Freeman, Austin C. Keough, Neil F. Agnew, John W. Hicks, Jr., and George L. Bagnall, vice-presidents; Austin C. Keough, secretary; Norman Collyer, Jacob H. Karp, Frank Meyer, assistant secretaries; Fred Mohrhardt, comptroller; Walter B. Cokell, treasurer.

Bioff's New Lawyer To Seek His Release

CHICAGO, July 4.—William Bioff, I.A.T.S.E. leader, will make another attempt in the courts here tomorrow for release from jail where he is serving a six months' sentence on a 22-year-old pandering charge.

A new attorney, Walker Butler, has taken over his case. Butler was a college classmate of Westbrook Pegler, newspaper columnist, who was instrumental in having the Bioff matter reopened.

Butler's defense will be that Bioff did not know the source of the money at the time the offense was committed.

Kansas City, Kan., Trying Single Bills

KANSAS CITY, July 4.—Kansas City, Kan., theatre owners, who have an organization of their own, inaugurated an experiment with single bills here today. Seven subsequent run units, for four weeks, will run "A" pictures on the Sunday-Monday change on single bills. If the experiment proves successful, the exhibitors probably will extend the policy.

The city's two first runs, the Electric and Granada, are not included in the test. Theatres involved are the State, Park, Midway, Osage, Home, Gauntier and Tenth Street.

ITO Election July 17

The annual election of officers of the New York I.T.O.A., originally scheduled for last Wednesday, has been postponed until the next meeting of the organization, set for July 17.

Republic Now Operates 12 Offices Direct

Republic in recent months has taken over 12 exchanges from franchise owners, the most recent being Des Moines and St. Louis, in line with its policy of seeking larger revenue. The company showed a small [illegible] in the fiscal year ended last [illegible], and H. J. Yates, who controls Republic through Consolidated Film Industries, wants to make a better profit showing this year.

The exchanges acquired and now operated by the company direct are Albany, Boston, Buffalo, New Haven, New York, Philadelphia, Detroit, Des Moines, Omaha, St. Louis, Los Angeles, San Francisco. There are 21 exchanges which are being operated by franchise owners.

Republic's policy has been to gradually reduce the distribution percentage to the franchise holders and where they are unwilling to meet the terms, or cannot see their way clear to do so, Republic buys up the rights.

The St. Louis exchange was taken over from Barney Rosenthal, veteran states rights distributor. Nat Steinberg, his long-time associate, remains as manager. The Des Moines exchange was sold by E. J. Tilton. F. P. Moran of Oklahoma City has been appointed branch manager there and has named Edward O'Neill salesman.

Sues to Take Over Indianapolis House

INDIANAPOLIS, July 4.—Immediate possession of real estate of the Ritz, deluxe neighborhood, plus $10,000 damages, is asked in suit filed in Superior Court here by the owners of the property, Mr. and Mrs. Oscar Markun.

Defendants are Ora C. Stewart, receiver of the Indianapolis Ritz Theatre Co.; Charles M. Olson, stockholder in the company and head of the Olson circuit, of which the Ritz is a unit; Jean D. Marks and William A. Brennan.

Loew's $1.62 Dividend

Loew's, Inc., on Wednesday declared a dividend of $1.62½ per share on the $6.50 cumulative preferred stock, payable Aug. 15 to stockholders of record on July 29.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

O MAKE THEIR SMILES COME BACK!

"MY LOVE CAME BACK"

Every inch the hit that 'FOUR DAUGHTERS' was –in a different way!

LIVIA De HAVILLAND
(Her first picture since GWTW)
and **JEFFREY LYNN** in
MY LOVE CAME BACK'
th **EDDIE ALBERT • JANE WYMAN**
CHARLES WINNINGER
SPRING BYINGTON
Directed by **KURT BERNHARDT**
en Play by Ivan Goff, Robert Buckner and Earl Baldwin
From a Story by Walter Reisch
A Warner Bros.-First National Picture

See it Mister! WARNERS have it now!

'Wife' Scores Good $24,000 To Lead Hub

BOSTON, July 4.—"My Favorite Wife" and "Sandy Is a Lady" proved the top attractions grossing $24,000 at the Keith Memorial, while the bill at the two Loew houses, "Phantom Raiders" and "Mortal Storm" held up, the State taking $11,500 and the Orpheum $17,500.

Estimated takings for the week ending June 26:

"Half A Sinner" (Univ.)
"Leopard Men of Africa" (Select)
KEITH BOSTON—(3200) (15c-20c-35c-40c) 7 days. Gross, $7,500. (Average, $7,500)

"My Favorite Wife" (RKO)
"Sandy Is A Lady" (Univ.)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross, $24,000. (Average, $16,000)

"Four Sons" (20th-Fox)
"Murder in the Air" (W.B.)
METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days. Gross, $12,000. (Average, $15,000)

"I Was An Adventuress" (20th-Fox)
"I Can't Give You Anything But Love, Baby" (Univ.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross, $5,000. (Average, $7,500)

"I Was An Adventuress" (20th-Fox)
"I Can't Give You Anything But Love, Baby" (Univ.)
FENWAY—(1,320) (25c-35c-40c-55c) 7 days. Gross. $3,800. (Average, $4,500)

"Torrid Zone" (W.B.)
"House Across the Bay" (U.A.)
SCOLLAY—(2,500) (25c-35c-40c-50c) 7 days. Gross, $4,300. (Average, $4,000)

"Phantom Raiders" (M-G-M)
"Mortal Storm" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. 2nd week. Gross, $11,500. (Average, $12,000)

"Phantom Raiders" (M-G-M)
"Mortal Storm" (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. 2nd week. Gross, $17,500. (Average, $17,500)

Receivers Named For Phila. Theatre

PHILADELPHIA, July 4.—Jay Emanuel, local exhibitor; George McHugh, attorney, and Norman P. Fernon, stockholder, have been appointed receivers for the 2,500-seat Carmen, deluxe neighborhood vaudeville house, by Federal Judge Welsh.

The receivers were given authority to continue operation of the house pending the foreclosure of a $400,000 mortgage, or to take other action to conserve the interest of bondholders. The court move was agreed to by George T. Graves, who holds legal title to the property, and William C. Carmen, owner of the house.

Petrillo Meets on Phila. Music Strike

(*Continued from page* 1)

Philadelphia union officials, but that he would make an effort to bring the long controversy to an end at the meeting here today. The national union has already donated $10,000 to the Philadelphia union to prosecute the strike.

Recently Local 77 sought to have the A.F.M. declare Warner Theatres unfair nationally, and to bring other unions into the controversy in support of the strike. However, the A.F.M. at that time refused to order national action against Warners.

The Philadelphia strike revolved about the refusal of Warner Theatres to restore stage shows in Philadelphia houses, and the attempt of the union to bring about reemployment of musicians in the circuit's theatres there.

Critics' Quotes . . .

"FOUR SONS" (20th Century-Fox)

Filled with grim material, not designed to send its audiences into the streets with cheers and laughter.—*Henry T. Murdock, Philadelphia Ledger.*

It might do us no harm to see them (fifth columnists) in action . . . an eloquent picture of the assiduous effects of their subversive practices.—*Dorothy Guinan, Philadelphia Daily News.*

It will only depress and probably bore you with its grim tale . . . the film cannot be considered entertainment, but propaganda.—*Laura Lee, Philadelphia Bulletin.*

The mobilization scenes and those showing mournful soldiers beaten without firing a shot are among the film's best . . . Leontovich gives the film gallery a proud portrait . . . also scores on atmosphere and sets.—*Elsie Finn, Philadelphia Record.*

A glib and empty drama, conventional where it should have been cruelly documentary, sentimental where it should have painted a bleak picture of despair.—*Philadelphia Inquirer.*

"OUR TOWN" (United Artists)

The players, all, hold the mirror up to nature and in their naturalness, give such convincing portrayals that words seem inadequate in giving them the praise due them for their extremely fine performances . . . a truly fine picture, worthy of the highest praise for the cast.—*Dorothy Guinan, Philadelphia Daily News.*

Bigger than any player, but, by reason of its story value, it affords unlimited chances to the protagonists . . . a classic of the modern stage; the photoplay has done it no wrong.—*Henry T. Murdock, Philadelphia Ledger.*

Tender, glowing with warmth . . . fresh and exciting.—*Laura Lee, Philadelphia Bulletin.*

Even better than the footlight original . . . gentle, tender and humorous. —*Philadelphia Inquirer.*

Every bit of the play's original charm and power have not only been retained but sometimes augmented . . . a movie gem—to be set as a new brilliant in the movie crown.—*Elsie Finn, Philadelphia Record.*

"MY LOVE CAME BACK" (Warners)

Practically bowled over the audience with a great deal of excellent acting and delightful nonsense . . . Kurt Bernhardt displays a neat knack of tempo, and got delightful fun from very simple ideas . . . a thoroughly enjoyable production.—*Jimmy Starr, Los Angeles Herald Express.*

Looks out for itself in petty ways, some of which are undeniably clever or sharp, and others of which don't seem to click, somehow . . . refreshing enough to beguile most audiences.—*Philip K. Scheuer, Los Angeles Times.*

"FRENCH WITHOUT TEARS" (Paramount)

A picture that is gay, frivolous and diverting . . . gaily and wittily told, bubbles over with fun.—*Doris Arden, Chicago Daily Times.*

As sparkling and slyly humorous a number as you'll see this season . . . delightful.—*Chicago Herald-Examiner.*

Skouras, RKO Pool 7 Cocalis Houses

(*Continued from page* 1)

theatres have picture commitments to work off.

The other four Cocalis houses in the Bronx, the Rosedale, York, Allerton and Beach, will remain Cocalis operations, at least temporarily.

Operators' Local 306 will supplant Empire State Operators Union members at the seven theatres passing from Cocalis. Although all 33 operators employed at the Cocalis houses were admitted to Local 306 Wednesday, the operators at transferred houses will lose their jobs because of a ruling that projectionists employed by a major circuit must be members for at least two years. However, they may be given other employment. Five were not admitted to Local 306 because they are over the union's prescribed age limit of 45 years.

At the remaining four Cocalis theatres, the circuit will terminate its present Empire State contract and enter into one with Local 306. In this case, however, the present operators will continue on their jobs but will change union affiliation.

Ascap Washington Case Up in Sept.

(*Continued from page* 1)

of the New York firm of Schwartz and Frohlich appeared for Ascap at the hearing.

The defendants, including the State attorney general, prosecuting county attorneys and several intervening defendants, filed exceptions to the decision, and individual plaintiffs filed exceptions to that part of the master's report that individual plaintiffs did not show jurisdiction. In September, Ascap will move for confirmation of the master's report finding the court has jurisdiction.

Boyar Buys Second Play

Ben Boyar Associates, of which Max A. Cohen of the Cinema Circuit is one of the principals, has bought a second play, "World of Their Own," by Gabriel R. Walling, for production on Broadway.

Yorke Acquires Film

Emerson Yorke has acquired the United States and Latin American distribution rights to "Abuna Messias," Italian film which he will release as "Inside Ethiopia."

'Sandy' and Miller $34,000 in Detroit

DETROIT, July 4. — "Sandy Is a Lady," supported by the stage show of Glenn Miller and his orchestra, more than doubled the Fox average with $34,000. "Brother Orchid" and "Irene" took $8,000 at the Palms.

Estimated takings for the week ending June 27:

"Mad Men of Europe" (Col.)
"Girls of the Road" (Col.)
ADAMS—(1,600) (15c-50c) 7 days. Gr[illegible] $5,000. (Average, $5,000)

"Northwest Passage" (M-G-M)
"Adventure in Diamonds" (Para.)
FISHER—(2,700) (15c-55c) 7 days. Gross: $6,500. (Average, $7,000)

"Sandy Is a Lady" (Univ.)
FOX—(5,000) (20c-55c) 7 days. Stage: Glenn Miller. Gross: $34,000. (Average, $15,000)

"My Favorite Wife" (RKO)
"Those Were the Days" (Para.)
MICHIGAN—(4,000) (15c-65c) 7 days. Gross: $12,000. (Average, $12,000)

"Brother Orchid" (W. B.)
"Irene" (RKO)
PALMS—(2,000) (15c-50c) 7 days. Gross: $8,000. (Average, $7,000)

"The Mortal Storm" (M-G-M)
"Opened by Mistake" (Para.)
UNITED ARTISTS—(2,000) (15c-55c) 7 days. Gross: $9,000. (Average, $10,000)

'Breakers' Smash $13,400 in Buffalo

BUFFALO, July 4. — "The Ghost Breakers" was a smash $13,400 at the Buffalo, while "Our Town," double-billed at the Great Lakes, drew $9,700.

Estimated takings for the week ending June 29:

"The Ghost Breakers" (Para.)
BUFFALO—(3,489) (30c-35c-55c) 7 days. D'Artega and orchestral ensemble in Musical Varieties, with Charles Newman, Norma Coffas, The Hansonettes and Eddie Manguso. Gross: $13,400. (Average, $12,000)

"Our Town" (U. A.)
"Gambling on the High Seas" (W. B.)
GREAT LAKES—(3,000) (30c-50c) 7 days. Gross: $9,700. (Average, $7,500)

"The Way of All Flesh" (Para.)
"Tear Gas Squad" (W. B.)
HIPPODROME—(2,100) (25c-35c) 7 days. Gross: $5,400. (Average, $6,800).

"Women In War" (Rep.)
"Grandpa Goes To Town" (Rep.)
TWENTIETH CENTURY—(3,000) (25c-35c) 7 days. Gross: $4,000. (Average, $7,500)

"Ski Patrol" (Univ.)
"La Conga Nights" (Univ.)
LAFAYETTE—(3,000) (25c-35c) 7 days. Gross: $3,700. (Average, $6,300)

U. S. Fighting Nazi Inroads in So. Am.

(*Continued from page* 1)

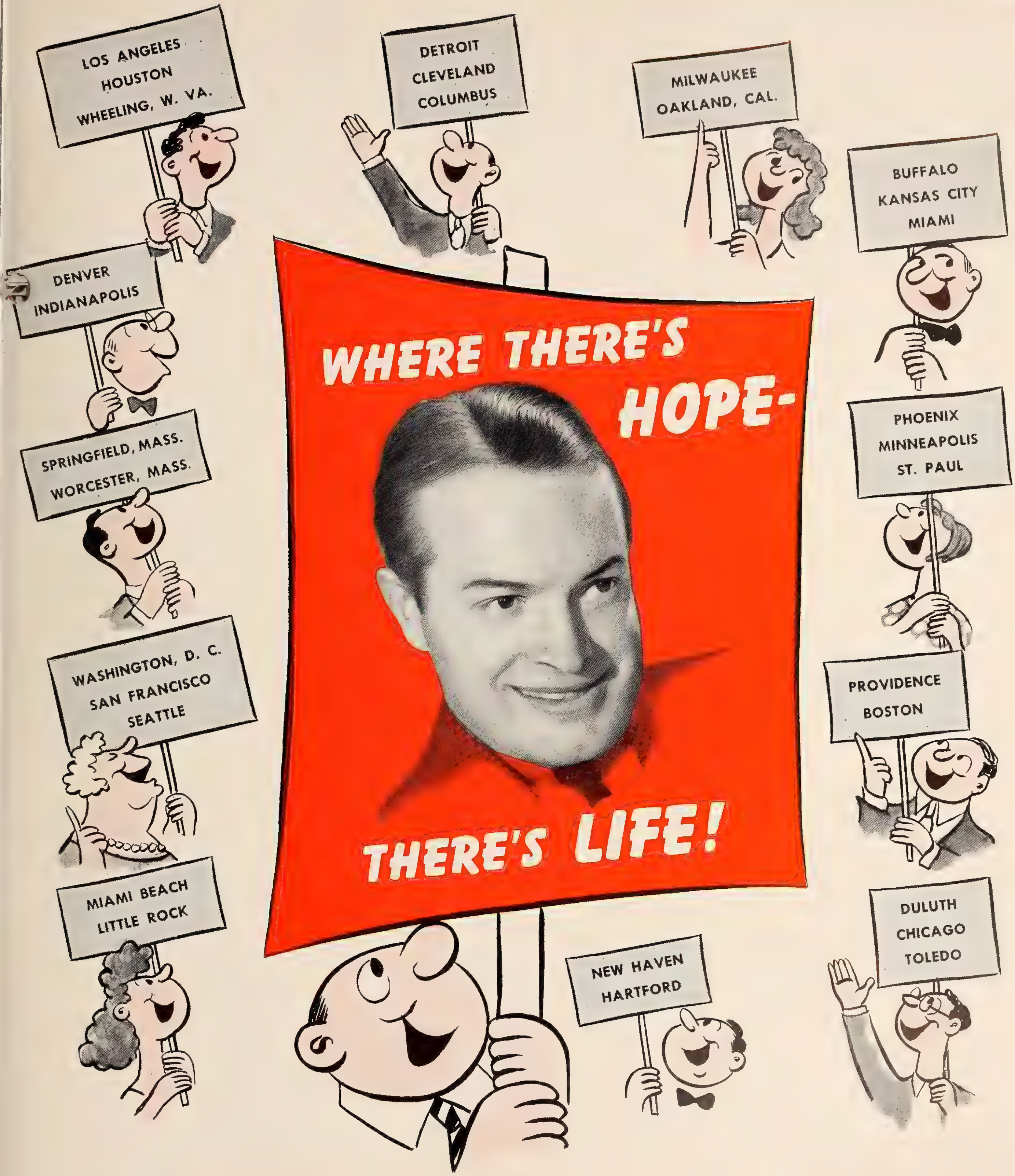
steps to block Nazi propaganda, but is hopeful that the governments of the various countries will be aroused to the dangers of their situation and themselves initiate steps to keep totalitarian pictures off their screens.

However, if present plans for knitting the American countries more closely go through, it is quite possible that interest in the German pictures will fall off quite rapidly as national resentment is aroused by the unveiling of "fifth column" activities.

Administration officials are hopeful that the development of better relations with the Latin American republics will wean South American exhibitors and picture audiences from the Nazi propaganda films.

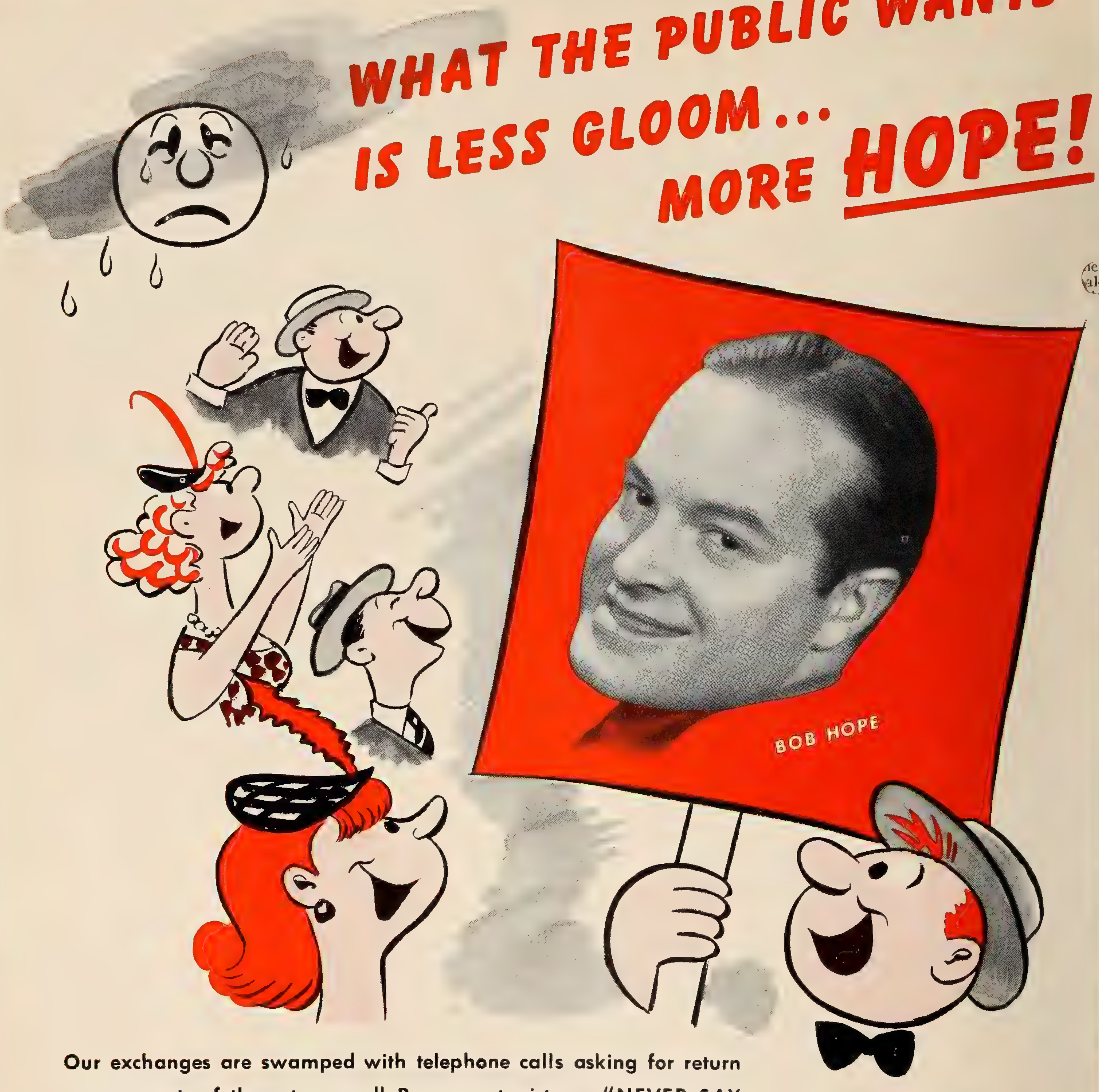
Delay Cassil Hearing

ST. JOSEPH, Mo., July 4.—The hearing on the application for a bill of particulars in the trust suit of Frank Cassil of the Rialto, against Dubinsky Brothers and the major distributors, has been put off indefinitely.


LOS ANGELES
HOUSTON
WHEELING, W. VA.
DETROIT
CLEVELAND
COLUMBUS
MILWAUKEE
OAKLAND, CAL.
BUFFALO
KANSAS CITY
MIAMI
DENVER
INDIANAPOLIS
WHERE THERE'S HOPE-
THERE'S LIFE!
SPRINGFIELD, MASS.
WORCESTER, MASS.
PHOENIX
MINNEAPOLIS
ST. PAUL
WASHINGTON, D. C.
SAN FRANCISCO
SEATTLE
PROVIDENCE
BOSTON
MIAMI BEACH
LITTLE ROCK
NEW HAVEN
HARTFORD
DULUTH
CHICAGO
TOLEDO

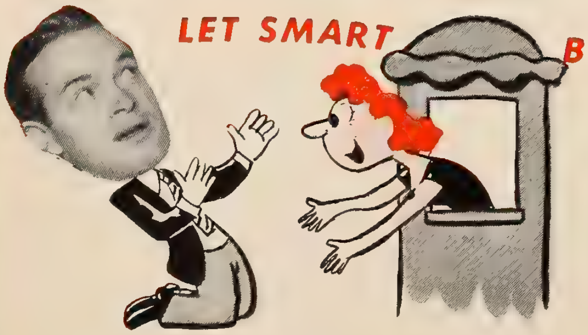
Bob's the hottest thing in show business right now . . . what with Paramount's "THE GHOST BREAKERS" galloping ahead of "BUCK BENNY" and "ROAD TO SINGAPORE" still packing them in . . . so take our advice . . . LISTEN. . .

WHAT THE PUBLIC WANTS IS LESS GLOOM... MORE HOPE!



Our exchanges are swamped with telephone calls asking for return engagements of those two swell Paramount pictures, "NEVER SAY DIE", starring Bob Hope and Martha Raye and "THANKS FOR THE MEMORY", starring Bob Hope and Shirley Ross. Better get on the phone and call your exchange pronto as prints are limited.

LET SMART BOB GIVE HER A HEART THROB!



YOU WON'T LOSE 'EM...
IF YOU AMUSE 'EM...
WITH PARAMOUNT PICTURES!

Paramount Pictures

PRINTED IN U.S.A.

'Orchid' Gets $8,800 Total In Twin Cities

MINNEAPOLIS, July 4.—Best business in Minneapolis went to "Brother Orchid" at the Orpheum with $5,000. St. Paul's brightest spot also was "Brother Orchid" with $3,800 at the Orpheum.

Estimated takings for the week ending June 27:

Minneapolis:

"Girl in 313" (20th-Fox)
"Angel from Texas" (W. B.)
ASTER—(900) (15c-25c) 5 days. Gross: $1,400. (Week average, $1,800)
"Earthbound" (20th-Fox)
CENTURY—(1,600) (25c-40c) 7 days. Gross: $2,000. (Average, $4,000)
"Brother Orchid" (W. B.)
ORPHEUM—(2,900) (25c-40c) 7 days. Gross: $5,000. (Average, $5,500)
"Three Cheers for the Irish" (W. B.)
GOPHER—(998) (25c) 7 days. Gross: $2,000. (Average, $2,500)
"Waterloo Bridge" (M-G-M)
STATE—(2,500) (25c-40c) 6 days. Gross: $4,500. (Average, $5,500)
"Over the Moon" (U. A.)
WORLD—(400) (25c-55c) 7 days. Gross: $1,600. (Average, $1,600)

St. Paul:

"Brother Orchid" (W. B.)
ORPHEUM—(2,000) (25c-40c) 6 days. Gross: $3,800. (Average, $4,000)
"Waterloo Bridge" (M-G-M)
PARAMOUNT—(2,500) (25c-40c) 7 days Gross: $3,700. (Average, $4,500)
"Two Girls on Broadway" (M-G-M)
RIVIERA—(1,000) (25c) 6 days. Gross: $1,400. (Average, $1,800)
"Hidden Gold" (Para.)
"Angel from Texas" (W. B.)
TOWER—(1,000) (25c) 5 days. Gross: $1,300. (Average, 7 days, $1,800)
"If I Had My Way" (Univ.)
"House of Seven Gables" (Univ.)
WORLD—(400) (25c-55c) 7 days. "Way," five days; "House," two. Gross: $1,200. (Average, $1,000)

'Ghost' and 'Eater' $5,500, New Haven

NEW HAVEN, July 4.—"The Ghost Breakers," dualled with "The Biscuit Eater" at the Paramount, took $5,500. "My Favorite Wife" and "Earthbound" at the Loew-Poli grossed $8,400.

Estimated takings for the week ending June 28:

"The Mortal Storm" (M-G-M)
"Free, Blonde and 21" (20th-Fox)
COLLEGE—(1,499) (35c-50c) 7 days, 2nd week. Gross: $2,700. (Average, $2,700)
"My Favorite Wife" (RKO)
"Earthbound" (20th-Fox)
LOEW-POLI—(3,040) (35c-50c) 7 days. Gross: $8,400. (Average, $8,000)
"The Ghost Breaker" (Para.)
"The Biscuit Eater" (Para.)
PARAMOUNT—(2,348) (35c-50c) 7 days. Gross: $5,500. (Average, $4,000)
"Our Town" (U. A.)
"A Fugitive From Justice" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c) 7 days. Gross: $3,400. (Average, $5,000)

'Ghost' With $8,600 Leads Indianapolis

INDIANAPOLIS, July 4.—"The Ghost Breakers" and "The Biscuit Eater" did $8,600 at the Circle.

Estimated takings for the week ending June 28:

"The Ghost Breakers" (Para.)
"The Biscuit Eater" (Para.)
CIRCLE—(2,800) (25c-40c) 7 days. Gross: $8,600. (Average, $6,000)
"Turnabout" (U. A.)
"Florian" (M-G-M)
LOEW'S—(2,800) (25c-40c) 7 days. Gross: $6,400. (Average, $7,000)
"La Conga Nights" (Univ.)
LYRIC—(2,000) (25c-40c) 7 days. Stage: Broadway Passing Show. Gross: $7,700. (Average, $8,000)

Two Novels Purchased for Early Production on Coast

HOLLYWOOD, July 4.—Two novels have been purchased this week for early production, and the script on a third is in work.

Larry Darmour has purchased from Pathe the screen rights to "The Green Archer," Edgar Wallace novel, which will be his next serial for Columbia. "Scrappy," forthcoming novel by Robert Crandall, has been purchased by John Stone as his third story in lining up an independent production deal for major release. Howard Estabrook is writing the script for "Legacy," novel by Charles Bonner, which Robert Sherwood will produce for Columbia release.

Two hundred employes of LEON SCHLESINGER'S cartoon studio this week embarked upon vacations, with pay, as SCHLESINGER completed his 1939-'40 program of 42 cartoons for Warner release one month ahead of schedule. SCHLESINGER for the last three years produced more cartoons annually than any other producer.

Next in the series of adventures of the Lemp Family, "Four Mothers" has been scheduled for a July 15 start by Warners. In the cast are PRISCILLA ROSEMARY and LOLA LANE, GALE PAGE, JEFFREY LYNN, EDDIE ALBERT, FRANK MCHUGH, DICK FORAN, CLAUDE RAINS and MAY ROBSON, all seen previously in Lemp family stories, and six babies, yet to be selected. WILLIAM KEIGHLEY will direct. . . . "Desire to Live," original by WILLIAM A. ULLMAN, JR., and VIRGINIA R. WOOD, has been purchased by SIGMUND NEUFELD. . . . NEUFELD has signed AL ST. JOHN for a comedy role in the next six "Billy the Kid" westerns.

JEFFREY LYNN rates stardom at Warners because of his work in "My Love Came True." . . . DENNIS MORGAN gets the second lead in "Santa Fe Trail," at Warners'. . . . FRANK CAPRA, in a casting announcement for "The Life of John Doe," says he has signed for supporting roles ROD LA ROCQUE, GRANVILLE BATES, ANDREW TOOMBS, WARREN HYMER, PIERRE WATKIN, HENRY O'NEILL, RUSSELL SIMPSON, ANN DORAN, PAT FLAHERTY and LEE "LASSES" WHITE. HOWARD J. GREEN has completed the final script of "The Life of Marge" for JOHN STONE. . . . Paramount has given JACKIE COOPER a new contract calling for a maximum of four pictures a year.

GEORGE MURPHY joins the cast of M-G-M's "Little Nellie Kelly," JUDY GARLAND vehicle. . . . ANN GILLIS has been cast for "Little Men," Towne-Baker production for RKO release. . . . FRANK BORZAGE has been assigned as director of M-G-M's "Flight Command," story of naval aviation. . . . 20th Century-Fox has given OTTO BROWER, director, a new five-year pact. . . . ROBIN DEVAL, star of a local stage production, makes her film debut in "Ride, Tenderfoot, Ride," GENE AUTRY western which FRANK MCDONALD is directing at Republic.

CHARLES RUGGLES' pet monkey, SCHLEMIEL, may star in a series of advertising films for a large soap and shampoo manufacturer. . . . Despite other pictures announced for him, GEORGE RAFT'S next picture at Warners will be "Star of Africa," story of diamond mining, written by BARRY TRIVERS.

'Ghost' Providence High Spot at $8,400

PROVIDENCE, July 4.—"The Ghost Breakers," paired with "The Light of the Western Stars" drew $8,400 at the Strand. "Susan and God" and "Beyond Tomorrow" at Loew's State took $11,000.

Estimated takings for the week ending June 26-27:

"Susan and God" (M-G-M)
"Beyond Tomorrow" (RKO)
LOEW'S STATE—(3,232) (25c-35c-50c) 7 days. Gross, $11,000. Average, $11,000)
"Saturday's Children" (W. B.)
"Sandy Is a Lady" (Univ.)
MAJESTIC—(2,250) (25c-35c-50c) 6 days. Gross, $5,400. (7-day average, $7,000)
"The Ghost Breakers" (Para.)
"The Light of the Western Stars" (Para.)
STRAND—(2,200) (25c-35c-50c) 7 days. Gross: $8,400. (Average: $6,00)
"Lucky Cisco Kid" (20th-Fox)
"I Take This Oath" (Prod.)
FAY'S—(1,800) (15c-25c) 7 days Gross: $1,800. (Average: $2,500)
"The Mortal Storm" (M-G-M)
"Over the Moon" (U. A.)
CARLTON—(1,526) (25c-35c-50c) 7 days, 2nd week. Gross: $1,900. (Average: $3,500)
"40 Little Mothers" (M-G-M) 3 days)
"Emergency Squad" (Para.) (3 days)
"Typhoon" (Para.) (4 days)
"20 Mule Team" (M-G-M) (4 days)
EMPIRE—(2,200) (20c-30c) 2nd run. Gross: $1,500. (Average, $1.700)

'Ghost Breakers' $13,000, Cleveland

CLEVELAND, July 4.—"The Ghost Breakers," following Bob Hope's record-breaking personal appearance the week before, was strong, giving Loew's State a good $13,000.

Estimated takings for the week ending June 27:

"Earthbound" (20th-Fox) 3 days
"Charlie Chan's Murder Cruise" (20th-Fox) 4 days
ALLEN — (3,000) (30c-35c-42c) 7 days. Gross: $1,500. (Average, $4,500)
"Brother Orchid" (W. B.)
WARNERS' HIPPODROME — (3,800) (30c-35c-42c) 7 days. Gross: $8,000. Average, $11,000)
"21 Days Together" (Col.)
RKO PALACE—(3,100) (30c-35c-42c) 7 days. Gross: $6,000. (Average, $9,500)
"The Ghost Breakers" (Para.)
LOEW'S STATE—(3,500) (30c-35c-42c) 7 days. Gross: $13,000. (Average, $11,000)
"The Mortal Storm" (M-G-M)
LOEW'S STILLMAN — (1,900) (30c-35c-42c) 7 days, 2nd week. Gross: $6,000. (Average, $4,500)

'Susan' Montreal Winner at $8,000

MONTREAL, July 4. — "Susan and God" grossed $8,000 at Loew's. "Brother Orchid" at the Palace accounted for $6,800.

Estimated takings for the week ending June 28:

"Untamed" (Para.)
"The Biscuit Eater" (Para).
CAPITOL — (2,547) (25c-40c-55c-65c) 7 days. Gross: $5,800. (Average, $8,000)
"Susan and God" (M-G-M)
LOEW'S — (2,800) (30c-40c-60c) 7 days. Gross: $8,000. (Average, $8,000)
"One Million B.C." (U. A.)
"Saps at Sea" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $3,500. (Average, $5,000)
"Brother Orchid" (W. B.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $6,800. (Average, $9,000)
"Saturday's Children" (W. B.)
"King of the Lumberjacks" (W. B.)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $3,500. (Average, $5,000)

'Flight' Takes Seattle Prize, Draws $5,800

SEATTLE, July 4.—Night baseball and warm weather provided heavy competition. "Flight Angels" and "King of the Lumberjacks" plus vaudeville at the Palomar drew $5,800. "Four Sons" took $6,200 at the Orpheum.

Estimated takings for the week ending June 28:

"My Favorite Wife" (RKO)
BLUE MOUSE—(950) (25c-40c-55c) 7 days, 7th week. Gross: $2,900. (Average, $4,000)

"Waterloo Bridge" (M-G-M)
"La Conga Nights" (Univ.)
FIFTH AVENUE—(2,500) (25c-40c-55c) 7 days, 2nd week. Gross: $5,500. (Average, $7,000)

"The Lone Wolf Meets a Lady" (Col.)
"Saps at Sea" (U. A.)
LIBERTY—(1,800) (25c-40c-55c) 7 days. Gross: $4,600. (Average, $5,000)

"Safari" (Para.)
"I Was An Adventuress" (20th-Fox)
MUSIC BOX—(950) (25c-40c-55c) 7 days, 2nd week. Gross: $3,200. (Average, $4,000)

"Four Sons" (20th-Fox)
"I Can't Give You Anything But Love, Baby" (Univ.)
ORPHEUM—(2,450) (25c-40c) 7 days. Gross: $6,200. (Average, $6,000)

"Flight Angels" (W. B.)
"King of the Lumberjacks" (W. B.)
PALOMAR—(1,500) (20c-25c-40c) 7 days. Vaudeville headed by Ted Claire. Gross: $5,800. (Average, $5,000)

"The Ghost Breakers" (Para.)
"The Biscuit Eater" (Para.)
PARAMOUNT—(3,050) (25c-40c) 7 days, 2nd week. Gross: $5,900. (Average, $6,000)

"Town" Gets $12,800 To Lead Cincinnati

CINCINNATI, July 4.—"Our Town," with a $12,800 gross at the RKO Albee, was the only picture to go above average, although "Brother Orchid" had a fairly good week with $9,700 at the RKO Palace.

"All This, and Heaven Too," booked to open at the 2,000-seat RKO Capitol June 28, at roadshow prices, has been cancelled, and will open at the 3,300-seat RKO Albee July 12 at popular prices.

Estimated takings for the week ending June 26-29:

"Our Town" (U. A.)
RKO ALBEE—(3,300) (35c-42c) 7 days. Gross: $12,800. (Average, $12,000)
"Brother Orchid" (W. B.)
RKO PALACE—(2,700) (35c-42c) 7 days. Gross: $9,700. (Average, $10,000)
"The Mortal Storm" (M-G-M)
RKO CAPITOL—(2,000) (35c-42c) 7 days, 2nd week. Gross: $4,300. (Average, $6,500)
"Florian" (M-G-M)
"Sandy Is a Lady" (Univ.)
RKO LYRIC—(1,400) (25c-40c) 7 days. Gross: $3,200. (Average, $5,000)
"Hidden Gold" (Para.)
"Torpedo Raider" (Mono.)
RKO FAMILY—(1,000) (15c-25c) 4 days. Gross: $1,100. (Average, $1,500)
"Passport to Alcatraz" (Col.)
"The Saint Takes Over" (RKO)
RKO FAMILY—(1,000) (15c-25c) 3 days. Gross: $800. (Average, $900)
"Earthbound" (20th-Fox)
KEITH'S—(1,000) (30c-40c) 7 days. Gross: $2,600. (Average, $6,000)

Northwest Picnic Held

SEATTLE, July 4.—Local exchange men trounced the local exhibitors, 23-5, in the baseball game which was the feature attraction of the annual Northwest Film Club picnic here at Gaffney's Grove. The entertainment program was arranged by Joe Cooper, club manager.

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
June 7	Passport to Alcatraz (D) Mad Men of Europe (D)	Susan and God (A-D) *Fredric March* *Joan Crawford*	Riders from Nowhere (O) *Jack Randall*	Hidden Gold (G-O) *William Boyd* *Russell Hayden*	Women in War (G-D) *Elsie Janis* *Wendy Barrie*	Saint Takes Over (G-D) Prairie Law (O) *George O'Brien*	Earthbound (A-D) *Warner Baxter* *Andra Leeds*		No Exit (D) *Wallace Ford* *Kathryn Adams*	Brother Orchid (G-D) *Ed. G. Robinson* *Bogart-Sothern*
June 14		The Mortal Storm (G-D) *M. Sullivan* *Jimmy Stewart*	On the Spot (G-D) *Frankie Darro* *Mary Korman*	Safari (G-D) *Fairbanks, Jr.* *M. Carroll*	Grand Ole Opry (O) *Weaver Bros. and Elviry*	Tom Brown's School Days (D) *F. Bartholomew* *Sir C. Hardwicke*	Four Sons (G-D) *Don Ameche* *Alan Curtis*		Sandy Is a Lady (G-C) *Baby Sandy* *Nan Gray*	Fugitive from Justice (G-D) *Roger Pryor* *Lucile Fairbanks*
June 21	Girls of the Road (D) *Lola Lane* *Helen Mack*	The Captain Is A Lady (G-D) *Virginia Grey* *Billie Burke*	Wild Horse Range (O)	The Ghost Breakers (G-C) *Bob Hope* *P. Goddard*	Wagons Westward (O) *Chester Morris* *Anita Louise*	Pop Always Pays (G-C) *Leon Errol*	Charlie Chan's Murder Cruise (D) *Sidney Toler*		I Can't Give You Anything But Love, Baby (M) *B. Crawford*	Gambling on the High Sea (D) *Wayne Morris*
June 28	Return of Wild Bill (O) *Bill Elliott* *Iris Meredith*	New Moon (G-M) *Nelson Eddy* *J. MacDonald*	Last Alarm (D) *Warren Hull* *Polly Ann Young*	Queen of the Mob (A-D) *Ralph Bellamy* *Blanche Yurka*	Carson City Kid (O) *Roy Rodgers* One Man's Law	Anne of Windy Poplars (G-D) *Anne Shirley* *James Ellison*	Lucky Cisco Kid (G-O) *Cesar Romero* *Evelyn Venable*			All This and Heaven Too (D) *Bette Davis* *Charles Boyer*
July 5	Out West With the Peppers *Edith Fellows*	Andy Hardy Meets a Debutante (C) *Mickey Rooney* *Lewis Stone*	Golden Trail (O) *Tex Ritter*	Way of All Flesh (G-D) *Tamiroff* *Gladys George*		Dr. Christian Meets the Women (G-D) *Jean Hersholt*	Sailor's Lady (D) *Nancy Kelly* *Jon Hall*	South of Pago Pago (D) *V. McLaglen* *Jon Hall*	Private Affairs (G-C) *Nancy Kelly* *Roland Young*	Man Who Talked Too Much (D) *George Brent* *V. Bruce*
July 12		Sporting Blood (D) *Bob Young* *M. O'Sullivan*		Stagecoach War (O) *Bill Boyd* *Russell Hayden*	Three Faces West (D) Carolina Moon (O)	Millionaires in Prison (G-D) *Lee Tracy* *Linda Hayes*	Manhattan Heartbeat (G-D) *Robert Sterling* *Virginia Gilmore*			My Love Came Back (C) *O. DeHavilland* *J. Lynn*
July 19	Military Academy (D) *Tommy Kelly* *Bobby Jordan*	We Who Are Young (D) *Lana Turner* *John Shelton*	Haunted House (D) *Marcia Mae Jones* *Jackie Moran*		Scatterbrain (C) *Judy Canova* *Alan Mowbray*	Cross Country Romance (C) *Gene Raymond* *Wendy Barrie*	Maryland (D) *Walter Brennan* *Fay Bainter*		Black Diamonds (D) *Richard Arlen* *Andy Devine*	Bridegroom Misbehaves *Rosemary Lane*
July 26	Blondie Has Servant Trouble (C) *Singleton-Lake*	Pride and Prejudice (D) *Greer Garson* *L. Olivier*	Boys of the City (D) *East Side Kids*	Untamed (G-D) *Ray Milland* *P. Morison* *A. Tamiroff*	Girl From God's Country (O) *Morris-Wyatt*	Stage to Chino (O) *George O'Brien* *Virginia Vale*			You're Not So Tough (G-D) *Dead End Kids* *Nan Grey*	Ladies Must Live (D) *R. Lane* *Jeffrey Lynn*
Aug. 2	It Happened in Paris (D) *Brian Aherne*	Gold Rush Maisie (C) *Ann Sothern* *Lee Bowman*	Orphans of the North (D) Rainbow Over the Range (O)	Golden Gloves (D) *Richard Denning* *Robert Paige*	Ranger and the Lady (O) *Roy Rogers*	Stranger On the Third Floor (D) *Peter Lorre* *John McGuire*	The Man I Marreid (D) *Joan Bennett* *F. Lederer*		Diamond Frontier (D) *V. McLaglen* *Anne Nagel*	They Drive By Night (D) *Ann Sheridan* *H. Bogart*
Aug. 9	The Secret Seven (D) *Bruce Bennett* *Florence Rice*	Boom Town (D) *Clark Gable* *Spencer Tracy*	Shadows Over Chinatown (D) Chamber of Horrors (D)	Mystery Sea Raider (D) *H. Wilcoxon* *Carole Landis*	Sing, Dance Plenty Hot (M) *Johnny Downs* *Ruth Terry*	Queen of Destiny (D) *Anna Neagle* *Anton Walbrook*	Street of Memories (D) *Lynn Roberts* *Guy Kibbee*		Boys from Syracuse (C) *Allan Jones* *Martha Raye*	River's End (D) *Dennis Morgan* *Victor Jory*
Aug. 16	The Durango Kid (O) *Chas. Starrett* *Luana Walter*	Golden Fleecing (D) *Lew Ayres* *Rita Johnson*	All Around the Town (D) *Frankie Darro* *Joy Hodges*	Comin' Round the Mountain (C) *Burns-Merkel*		One Crowded Night (D) *William Haade* *Billy Seward*	Return of Frank James (O) *Henry Fonda* *Jackie Cooper*		Hired Wife (C) *R. Russell* *Brian Aherne*	Money and the Woman (D) *Jeffrey Lynn* *Brenda Marshall*
Aug. 23	He Stayed for Breakfast (C) *Loretta Young* *Melvyn Douglas*	I Love You Again (D) *William Powell* *Myrna Loy*	Missing People (D) Arizona Frontier (O)	The Great McGinty (D) *Brian Donlevy* *Muriel Angelus*		Lucky Partners (D) Wildcat Bus D)	Girl From Ave. A (D) *Jane Withers* *C. Aldrich*			Sea Hawk (D) *Errol Flynn* *Brenda Marshall*

PARAMOUNT SHORTS– THE HIGH SPOT OF ANY PROGRAM

Color Cruise
"PACIFIC PARADISE"
June 21

Paragraphic
"DANGEROUS DOLLARS"
June 28

Cinecolor
"POPULAR SCIENCE" No. 6
June 28

Stone Age Cartoon
"WEDDING BELTS"
July 5

100% BOX OFFICE TESTED

Paramount Pictures

“Would not be without the Herald”

■ ■ ■ “WE NOW SUBSCRIBE TO THE MOTION PICTURE HERALD HERE AT THE OHIO AND STRAND THEATRES.

I WOULD NOT BE WITHOUT THE HERALD. FOR TO BE WITHOUT THE HERALD, WOULD BE LIKE TRYING TO SAW A PIECE OF WOOD WITHOUT A SAW, OR TO ROW A BOAT WITHOUT AN OAR. THE HERALD HAS TOO NUMEROUS USES AROUND OUR THEATRES TO EVEN TRY AND GET ALONG WITHOUT IT, AND TO LIST THE USES WOULD REQUIRE SEVERAL SHEETS OF PAPER OF THIS SIZE.” ■ ■ ■

DUKE PRINCE
Manager

SHEA'S OHIO-STRAND THEATRES
MARIETTA, OHIO

MOTION PICTURE HERALD, $5.00 *a year Domestic;* $10.00 *Foreign;* 52 *issues with which is combined* BETTER THEATRES, 13 *issues yearly.*

MOTION PICTURE HERALD

ROCKEFELLER CENTER NEW YORK

Station Heads Pledge Aid to U.S. Defense

Pledges of whole hearted cooperation to the FCC in its plan to coordinate broadcasting communication with the national defense program are expressed by a number of station managers and executives throughout the country.

Although it was pointed out that definite plans of the FCC were still unknown, nevertheless assurances were given that any measures adopted by the Commission which would promote national defense would receive a hearty response from the broadcasting industry.

There was a note of caution in the expressions calling attention to the need for preserving the rights of private industry in peace time, but the general reaction was that such rights would be safeguarded.

DES MOINES, July 4.—"Forty-five million receivers in this country speak eloquently and convincingly for American radio in times of peace," asserted Luther L. Hill, vice-president of KSO-KRNT. "The same essentials of private initiative and necessary Government coordination will insure equally indispensable service to the nation in time of war. So long as these fundamentals are adhered to the specific Governmental body charged with the war time responsibility is relatively unimportant."

ALBANY, July 4.—"I think the FCC recommendation for a committee to coordinate broadcasting communications under national defense is a splendid idea," asserted Harold Smith, general manager of WOKO and WABY. "We should be set up in an efficacious manner as a matter of patriotism and public service. However, any such recommendation should carefully see that our rights are not pre-empted."

Kolin Hager, manager of the NBC basic outlet, 50,000-watt Station WGY, Schenectady, asserted "The FCC will have 100 per cent cooperation from WGY."

From Fred Ripley, vice-president of Station WTRY, Troy, came the formal statement: "We are public servants, and as such we are ready to cooperate with the government in anything which promotes the public interest, convenience and necessity."

DALLAS, July 4.—Martin Campbell, general manager of WFAA, and John Runyon, general manager of KRLD, the two 50,000-watt stations here, today pledged their cooperation to the FCC. "All we know about the proposed committee is what we have read in the trade papers," Campbell said. "It goes without saying that all stations in this section will support to the utmost not only national defense plans assigned to us but will do and are doing our utmost to promote Americanization programs and a spirit of patriotism and love of country in every way we can."

BUFFALO, July 4.—Despite a lack of accurate knowledge of what the FCC has in mind, station managers of WBEN, WEBR, WKBW, WGR and WBNY pledged full cooperation in defense plans.

Off the Antenna

WMCA new business for the period ending July 1 includes the American Tobacco Co. renewing two and a half minute transcribed announcements for Lucky Strike cigarettes, every hour on the hour, 7 A.M. through 1 A.M., for 13 weeks ending Sept. 28; Hotel St. George, Brooklyn, 10 "Rise and Whine" broadcasts, ending July 31; Ex-Lax, announcements beginning June 24 and running 14 weeks. American Cigarette, 46 announcements weekly; Pall Mall Cigarettes, for four weeks ending July 18; Warren & Arthur Smadbeck, realtors, 29 quarter-hours weekly, four weeks, ending July 5; and Carl Fischer Musical Instrument Co. sponsoring Radio News Reel, twice weekly, 14 weeks ending Sept. 13.

• • •

"Chicago Tonight," a new variety program series, will originate at at WGN, Chicago, July 11 and will be heard over the Mutual network. First program will be "Tom Brown's Schooldays," tying up with the film. Bill Bacher, who is writing and producing the programs, will use film and stage players available in Chicago.

• • •

Purely Personal: *Robert Gerdy of the CBS trade news department, has left for a two-week vacation at Olean, N. Y. . . . Hildegarde Goranson has joined Compton Advertising as research librarian. . . . Arthur Kurlan, radio script writer, is in town from Hollywood for a visit. . . . John F. Rudolph has been named merchandising and sales promotion director at WLW, Cincinnati. . . . Dick Goggin, director of early morning programs at WABC, had something happen to him, on Wednesday, which is worse than losing a script. He was leaving on his vacation and when he reached the pier, he found that the ship on which he was to have sailed had burned and sunk. P. S.—Goggin took a train. . . . Another WABC chap, Beverly M. Middleton, seller of time, also has left on his vacation. He will spend it at his summer retreat, "Enchantment," at Flat Rock, N. C. . . . Kyra Deaken has become engaged to Richard Hubbell. . . . O. L. Smith, advertising salesman for radio station WNOX, Knoxville, is the new president of the Knoxville City Salesmen's Club.*

• • •

Time sales for WQXR, New York, during the first six months of 1940 are 44 per cent above those of the preceding six months, July to December, 1939, it is reported by Elliott M. Sanger, vice-president and general manager. First half of 1940 produced an increase of 114 per cent in sales over the corresponding period last year, he states. Each month of 1940 has shown a gain over the month before, Sanger points out.

• • •

Plans for "Broadcast Day" at the New York World's Fair will be completed within a week, according to Ed Curtin who is handling the details at the Fair. The date was originally set for yesterday but was put back to August 3, the eve of the N.A.B. convention in San Francisco.

• • •

Schenectady: *Kolin Hager, Station WGY manager, attended the NAB meeting in Rochester. . . . Thomas Martin, WGY announcer, is vacationing with his wife and daughter in Syracuse. . . . Wilbur Morrison of the WGY news staff returns from a three-week vacation in New York and Plattsburg Monday. . . . Bernard Cruger of WGY engineering staff was in Philadelphia for television pickups by NBC. . . . WGY softball team visited New York to play NBC Athletic Association at Sewane Golf Club, Long Island, and lost* 1-0 *in* 13 *innings.*

• • •

Early birds are going to have the pleasure of being awakened three times weekly, from 6:35 A.M. to 7 A.M., on Monday, Wednesday and Friday, by a new 100-word announcement on the "Larry Elliott Rising Son" program, sponsored by the Federal Life and Casualty Co. of Detroit. The program will be on behalf of the company's accident policy and begins July 8.

• • •

A new WABY feature has been started with Forrest Willis and C. R. Rosenberry interviewing important film players who are doing stock and summer theatre shows in the Albany district. Rosenberry is film reviewer for the *Knickerbocker News*.

Plan Disney "Festival"

Walt Disney's "Snow White and the Seven Dwarfs," released in December, 1937, and withdrawn 18 months later, will be released in a Walt Disney Festival, according to Ned E. Depinet, RKO vice-president in charge of distribution. The decision followed test engagements in two spots. With the feature will be shown four shorts, "The Practical Pig," "Ferdinand the Bull," "The Ugly Duckling" and "Donald's Lucky Day."

Franklin Carper Dead

DENVER, July 4.—Franklin Carper, 74, retired, theatre operator, killed himself at Lafayette, Col. Surviving are his wife, Enora, and two sons, Lawrence and Edward.

Plan Exchange Building

PHILADELPHIA, July 4. — A. A. Schubart, manager of RKO exchange operations, has concluded negotiations with local realtors to provide the RKO exchange with a building of its own. David Supowitz, local architect, will supervise construction of the new building, which is expected to be ready for occupancy in February, 1941.

Donate Film to Home

Harry Glickman and John Weber of Mecca Film Laboratories have presented to the Hebrew Kindergarten and Infants Home, Far Rockaway, L. I., a two-reel film, which they produced, showing the activities of the institution. It will be televised by NBC on Tuesday.

News Commercials Doomed in Canada

Ottawa, July 4.—Sponsored news broadcasts in Canada will soon be a thing of the past, Transport Minister C. D. Howe recently told the House of Commons. Plan under consideration is to pool Canadian Press, United Press and Trans-radio services for the use of Canadian Broadcasting Corp. U.P. and Trans-radio may receive some compensation. There has been criticism here of news programs, with a demand for Government control.

Charter Farnsworth, Phonovision Corp.

DOVER, Del., July 4,—Farnsworth Television and Radio Distributing Corp. has been incorporated here to deal in radio and television receivers, etc., with capital of 100 shares, no par. Incorporators are Howard A. Seitz, Brooklyn; Sanford H. Bolz, North Bergen, N. J., and Lloyd S. Snedeker, New York.

Phonovision Corporation of America also has been incorporated to deal in motion pictures, with capital of $1,000,000, par $100 and 1,000 shares, no par. The incorporators are R. F. Lewis, L. H. Herman and Walter Lenz of Wilmington.

Permission Sought For Batavia Station

WASHINGTON, July 4. — Authority to construct a new 640-kilocycle, 250-watt daytime broadcasting station at Batavia, N. Y., has been filed with the Federal Communications Commission by the Batavia Broadcasting Corp.

An application also was filed by WGAN, Portland, Me., for change of frequency from 640 to 560 kilocycles and increase of power from 500 to 5,000 watts with extension of time from limited to unlimited.

60 Shows Weekly From Frisco Fair

SAN FRANCISCO, July 4.—More than 60 programs originate weekly at Treasure Island, according to San Francisco Fair Radio Director Robert Colson, over eight local stations. Fourteen shows go to nationwide or Western networks each week. The list does not include special commercials, like the Burns and Allen show, which are heard occasionally from the Fair site.

Release 52 Old Comedies

Fifty-two early comedies are to be released this year by the recently formed Motion Picture Jubilee Productions. Plans call for immediate release of eight slapstick comedies. The rest will be released in September. All are synchronized one and two-reelers.

Tie in Ball League

Consolidated Film Industries and Paramount are tied for first place in the Motion Picture Baseball League, each having won six games and lost one. NBC, Rockefeller Center, Skouras, M-G-M, International Projector and Universal follow in that order.

FILE COPY
DO NOT REMOVE

MR. MAURICE McKENZIE,
% MOTION PICTURE PROD. &
DIST. OF AMERICA, INC.
28 WEST 44TH ST.,
NEW YORK, N. Y.

to the Motion
Picture
Industry

ON PICTURE
DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 5 NEW YORK, U. S. A., MONDAY, JULY 8, 1940 TEN CENTS

Cut Salaries, Ban Doubles, Urges Small

Sacrifices Must Be Made By All, Producer Says

HOLLYWOOD, July 7. — Edward Small, United Artists producer, enters industry discussion of double bills and other problems of the business with a three-point remedial program: (a) an immediate healthy cut in all salaries, beginning at the top of the list; (b) elimination of double bills, giveaways and other so-called box-office stimulants; (c) sharing of problems by all branches of the industry.

Edward Small

"The time has come," says Small, "when the motion picture business

(*Continued on page 3*)

Indefinite Delay Seen on Neely Bill

WASHINGTON, July 7.—The possibility that no further progress will be made with the Neely block booking bill for some time to come was seen Friday in the admission by members of the House Interstate and Foreign Commerce subcommittee that no meeting has yet been held for discussion of the redrafting of the measure.

Consideration of the legislation appears to have been suspended in view

(*Continued on page 3*)

Central Casting Strike Is Settled

HOLLYWOOD, July 7.—Striking office employes of Central Casting Corp. will return to work tomorrow as a result of an agreement reached Friday between Mrs. Elma Goodwin, business agent of the American Federation of Office Employes, and Pat Casey, producers' labor representative. The 47 strikers unanimously agreed to call off the walkout provided Casey will sit in on all future negotiations needed to settle the remaining differences.

On the Cuff

Chicago, July 7.—Mayor Edward J. Kelly has presented to all delegates to the Democratic National Convention here next week gold passes admitting them to all Loop theatres, subject to prevailing taxes, and to all racetracks and baseball parks. The pow-wow starts next Monday.

Public Taking Tax In Stride, Says U. S.

WASHINGTON, July 7.—Preliminary reports to Washington indicate that the people of the country are taking the new defense taxes in their stride, but definite figures on the revenue from the expanded admissions tax will not be available for more than a month.

Treasury officials explained that in the case of the admissions tax, exhibitors report monthly and file their returns with their local collectors of internal revenue so that initial figures will hardly be available until after

(*Continued on page 3*)

B'way Records Go as Holiday Booms Grosses

Two box-office records toppled on July 4 when thousands thronged Broadway and its first run film houses and legitimate theatres. With many department stores and business houses closed for the entire weekend, the four-day holiday brought a minor boom at theatres where grosses have been off several weeks.

Leading the parade were "All This, and Heaven Too" with a stage show at the Music Hall which set a new July 4 record for the house with an opening day gross estimated at $19,500. The Paramount, with "The

(*Continued on page 3*)

Hollywood Concentrating On Light, Comedy Themes

By SAM SHAIN

Hollywood seems to be turning away from war and problem pictures and bending its utmost effort toward creating light, musical, airy pictures which can make audiences laugh. Among such pictures already in circulation are "New Moon," "Ghost Breakers," "Andy Hardy Meets Debutante" and "My Love Came Back." Additionally, RKO plans to reissue Walt Disney's "Snow White and the Seven Dwarfs," a picture which made box-office history, grossing about $4,000,000 domestically.

Since RKO announced that it will reissue this picture, trade authorities have expressed great interest in the event, particularly since the first great feature cartoon is to be reissued hardly two and a half years since it first saw the light of a theatre screen, at the Radio City Music Hall, in December, 1937.

"Ghost Breakers," a Paramount picture, is hanging up big grosses everywhere, according to home office accounts, and Metro's "New Moon," and the new Andy Hardy picture are rolling up big grosses, too.

In reference to "My Love Came Back," upon which Warner Bros. are spending a good deal of advertising money, Jack L. Warner, the company's production chief, states:

"Its plot doesn't attempt to solve world problems or propound an important message—unless it be that a good laugh and a good time is what we all need right now." He compares the picture to "Four Daughters."

Universal officials claim to have a humdinger in "Boys from Syracuse," not yet on release, and "Private Affairs."

Listed in MOTION PICTURE DAILY'S Booking Chart are 19 light pictures which are now on release or will be before the end of August. This chart is published once weekly.

Besides those already mentioned here are the pictures: "Blondie Has Servant Trouble" (Col.); "He Stayed for Breakfast" (Col.); "Gold Rush Maisie" (M-G-M); "Comin' Round the Mountain" (Para.): "Grand Ole Opry" (Republic); "Scatterbrain" (Republic); "Sing Dance, Plenty Hot" (Republic) · "Pop Always Pays" (RKO) · "Cross Country Romance" (RKO): "Sandy Is a Lady" (Universal); "I Can't Give You Anything But Love. Baby" (Universal): "Hired Wife" (Universal); "Bridegroom Misbehaves" (Warners).

BRITISH ACTORS ORDERED TO WAR

Embassy Directs All of Service Age to Return To England at Once

WASHINGTON, July 7.—To allay the confusion which has existed among Hollywood actors of British citizenship over war service, the British Embassy here, at the request of important persons in the film industry to clarify the situation, today advised those between the ages of 18 and 31 to return to England immediately.

[*In Hollywood it was said that the order will affect not only some of the leading players but a large number of extras, several hundred of whom are working in films. This order will enable the studios to plan for the future without interruption by their stars or other players being called away in the midst of costly production.*]

Text of the Embassy order follows:

"Since the outbreak of the war, British actors, of both stage and screen, and others connected with the profession resident in the United States have repeatedly offered their services to the British Government and have sought advice from the Embassy as to the desirability of their return to the United Kingdom for service. Until recently, they have been advised to stay here as there is no shortage of manpower in the United Kingdom.

"In view of recent conditions, however, British actors of all ages have again come forward with renewed offers of service. These offers have been considered according to age and qualifications, with a view to the utilization of their services, whether here or abroad, in the most advantageous manner. Broadly speaking, those between the ages of 18 and 31 years (the present 'military' age in England) should return as soon as they can make the necessary arrangements. Those above this age should continue in their professions until they receive further instructions."

Schenck, Rodgers Due on Coast Today

HOLLYWOOD, July 7.—Nicholas M. Schenck, president, and William F. Rodgers, general sales manager, of M-G-M, are expected here tomorrow from the East for studio conferences on "Boom Town" and other company business. Rodgers will tour exchanges before returning East.

Bob Is Allergic

Paramount has been compelled to postpone production of the new series of Bob Benchley shorts which are scheduled for release during the 1940-'41 season. Paramount will produce them in the East but won't be able to start until September.

The reason: Benchley has hay fever.

Parleys Start On Musicians' Strike

A basis for renewed negotiations toward possible settlement of the musicians' strike at Warner Philadelphia houses was laid at a preliminary conference held Friday at the national offices of the American Federation of Musicians here, James C. Petrillo, president, declared after the meeting. Further meetings will be held in Philadelphia this week.

The conference here was held at the request of A. Rex Riccardi, secretary of Musicians Local 77, who asked Petrillo to take charge of the situation. Petrillo, however, declared that the matter should be handled by the local. Friday's conference was attended by Frank Phelps, Warner labor contact, Petrillo and Riccardi.

The strike was started eight months ago after Warner's refusal to restore stage shows in response to a union demand.

Bioff Loses Another Bid for Freedom

CHICAGO, July 7.—Criminal Court Judge John Prystalski on Friday dismissed the petition of Walker Butler, new attorney for William Bioff, seeking the release of the I.A.T.S.E. Coast leader.

The court held that the facts presented by Butler did not warrant his issuing a writ of habeas corpus for Bioff's release.

Warner Statement In Cooperative Ad

A statement of Jack L. Warner, production head of Warners, personally endorsing "My Love Came Back," forms the basis of a cooperative advertising campaign in 75 cities in the United States and Canada. The advertisement, for which Warners will pay the full cost, will appear in local newspapers' first sections, rather than on the amusement pages.

'Wind' Stays in Chicago

CHICAGO, July 7.—"Gone With the Wind," which was scheduled to close at the Woods here, June 28, apparently will continue until the latter part of July if the show continues doing the business it has the past week.

KEEP TOILETS AND WASHROOMS
SANITARY, ODORLESS, STAINLESS
with
Lawston's
Odorless Renovator and
Bowl Cleaner
THE J. S. LAWSTON CO., Inc.
8 Henshaw St. N. Y. C.
●
A FEW SATISFIED USERS
New York World's Fair, R.K.O., Raybond, Shea, and Brandt Theatres

Personal Mention

W. G. VAN SCHMUS, managing director of the Radio City Music Hall, is convalescing in St. Luke's Hospital after an operation performed last Wednesday.

•

WILL HAYS is expected to leave for the Coast this week.

•

DAVID O. SELZNICK is expected here from the Coast later this week. Originally he had been due today.

•

ROGER FERRI of 20th Century-Fox and M. A. LEVY, Minneapolis district manager, have arrived on the Coast to formulate plans for the Kent sales drive with HERMAN WOBBER, general sales manager.

•

JACK LYKES, manager of Loew's Stillman, Cleveland, is visiting here.

•

J. D. RAPOPORT, Paramount branch manager in Havana, left for his post over the weekend.

•

JACK KERR, film columnist of the *Toronto Star,* is in town, making his headquarters at the office of OSCAR DOOB, Loew's advertising and publicity head.

•

J. K. ROBERTSON, manager of the Warner in State College, Pa., left Friday on the *Santa Paula* with Mrs. ROBERTSON on a 12-day Southern cruise.

•

RALPH JONES, film editor of the *Atlanta Constitution,* is spending his vacation here.

•

SAM GERMAINE, booker in the 20th Century-Fox New Haven exchange, started his vacation over the weekend.

JOHN HAY WHITNEY is taking the Army officers' 30-day course of training at Plattsburg, where LYNN FARNOL is also spending a month.

•

VIRGINIA COCALIS, daughter of the late SOTEROS D. COCALIS, circuit owner, was married late last week in Newark to GEORGE MCMILLAN, thereby forfeiting a $25,000 legacy from her father.

•

HERB BERG of Paramount is vacationing at Hunter, N. Y., with GENE ADLER.

•

ANDREW SHERIDAN, counsel for the Harris Enterprises, Pittsburgh, is the father of a son, born to MRS. SHERIDAN late last week at Mercy Hospital. MRS. SHERIDAN is the sister of JOHN H. HARRIS, general manager of Harris Amusement Co.

•

MANNY REINER of Monogram left over the weekend for a vacation.

•

M. D. FAIGE, New England field engineer for RCA Photophone, recently appointed service manager of the Atlanta district, has completed a two-week stay in Camden preparing for his new post.

•

DON HIATT, Seattle booker for M-G-M, is recovering after an appendicitis operation.

•

HOAGY CARMICHAEL and FRANK LOESSER arrived in Miami yesterday to prepare the score for the new MAX FLEISCHER cartoon feature.

•

PATRICIA MORISON, Paramount player, has arrived here from Portland, Ore.

Distributors Plan Action on Cuba Bill

American distributors in Cuba are planning concerted action on the recently passed ban on block booking when the Cuban Senate reconvenes late this month, it is understood in New York.

The drastic measure was passed recently by the Cuban Senate prior to its adjournment for a recess. Under the Cuban law, the President may sign a bill only in the presence of the Senate, and the recess has occasioned the delay in action by the President.

American interests, it is learned, plan to institute action when the Senate reconvenes, in an attempt to block or modify the measure.

Tax Case to September

Trial of Monard Theatre Corp. and Albert I. Mackler, its president, charged by the Government with withholding $1,200 in admission taxes has been adjourned to Sept. 4 by Judge Robert A. Inch in Brooklyn Federal Court due to a crowed calendar. Bail of $500 was continued.

Mainwaring to W.B.

Dan Mainwaring, formerly of Warners' Coast publicity department and more recently with the Orson Welles unit at RKO, has joined the home office publicity department of Warners.

Democrats Appoint Barron to Committee

CHICAGO, July 7.—Carter Barron, Washington district manager for Loew's, has been appointed head of the entertainment committee for the Democratic Convention Committee.

Stars who have indicated that they will appear at the convention affairs are Harry Richman, Marion Claire, Al Jolson and Dean Murphy. Barron is here to make arrangements for other entertainment on the convention schedule.

Name Cohn to L. A. Police Commission

LOS ANGELES, July 7.—Alfred A. Cohn has been transferred by Mayor Bowron from the city's Board of Public Utilities to the Police Commission. The transfer to the police board had been expected for some time.

Wins Standard Plaque

KENOSHA, Wis., July 7.—E. R. Brennan, manager of Standard Circuit's Kenosha, has won the circuit's plaque for outstanding showmanship three successive times and the award now becomes his permanently. In addition to the plaque, Brennan was presented with three cash prizes and his assistant, George Kuehnl, also was awarded a cash prize for the best idea contributed by a theatre employe.

CEA Hits Circuit's Booking of 'Wind'

London, July 7.—"Gone With the Wind" has been booked by John Maxwell's Associated British for Blackpool theatres, starting July 15, at admissions from one shilling (about 20 cents) up. The Cinematograph Exhibitors Association, which has been fighting the rental terms asked by M-G-M for the film, has described the deal as comple[illegible] "capitulation" to M-G-M.

Dismisses Goldwyn Suit Against Korda

Federal Judge Vincent L. Leibell on Friday dismissed the suit of Samuel Goldwyn and Samuel Goldwyn, Inc., to cancel his contract with United Artists as against London Film Productions, Ltd., and Alexander Korda. The court pointed out that the U. S. Circuit Court of Appeals recently had ruled in Goldwyn's Delaware action that Korda and London Films were not necessary party defendants in the suit. The action will continue against United Artists alone.

The court granted an application of the plaintiffs for an order directing Korda to submit to an examination before trial in the remaining action as a witness. A request by United Artists for a bill of particulars was denied on the ground that the proper remedy for United Artists was to obtain interrogatories in reference to the complaint. The opinion declared that Goldwyn should amend his complaint in 20 days so as to plead three separate causes.

Musicians Honor Hild

CINCINNATI, July 7.—In celebration of his recent election to the international executive board of the A. F. of M., the Cincinnati musicians' union, of which he is president, will honor Oscar F. Hild at a dinner tomorrow.

Form Theatre Company

ALBANY, July 7.—Louris Amusement Corp., formed in Manhattan, has been incorporated here with $20,000 capital stock. Directors are Sylvia Horn, Irving Abraham and Harold W. Cohen.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Cut Salaries, Ban Doubles, Urges Small

(Continued from page 1)

must take stock of itself and realize that it must undergo a major operation or face economic death. Salaries will have to go on the chopping [illegible] sacrifice must be made in every department of operation, both in production and in exhibition of pictures.

Says Adjustment Must Come

"A major readjustment must come swiftly if it is not to come too late. To start with, the top salaried producers, executives, stars, directors, writers and all others will have to realize that they are not worth today what they were worth yesterday.

"The trouble is that while everybody in the business realizes what must be done to save it from complete decay, nobody is willing to take the initiative. No single producer, executive, star, director or writer has been willing to step forward, and in the interest of the whole industry, say: 'I am willing to take the cut which will save us from destruction.'

"I am willing to take such a cut," Small says.

"The fact that potential revenues, both at home and abroad have diminished in a startling degree automatically makes their potential values equally less. Thus, a person who was worth $100,000 per picture six months ago is today actually worth about $60,000. The same rule applies to every money earner in the business.

"Exhibitor a Partner"

"Too many people have been sticking their heads in the sand for too long a time rather than face the real facts," Small states.

"The exhibitor must realize that if he hopes to continue getting top-flight product he will have to treat the producer on a partnership basis, helping to absorb the losses as well as the profits.

"This would level off all inequalities to insure a continued flow of the kind of product needed to sustain box office receipts."

Small has just completed "South of Pago-Pago" for United Artists and has in production "Kit Carson" and "The Son of Monte Cristo."

Indefinite Delay Seen on Neely Bill

(Continued from page 1)

of the possibility of a settlement of the block booking issue by a consent decree in the New York anti-trust suit. Also contributing to the delay is the political situation, which caused Congress to recess last month over the Republican Convention and will require another recess next week over the Democratic meeting.

Indications are that when Congress reconvenes after the Democratic Convention it will remain in session for a few weeks and then adjourn, possibly until October. In view of the situation, there is little activity on either side of the Capitol on anything but defense matters and little or no demand for action on other subjects.

Public Taking New Tax In Its Stride, Says U. S.

(Continued from page 1)

Aug. 1. The collectors, in turn, report to Washington, where the figures are compiled to determine the national total.

The only reports now coming in are those dealing with business activity generally, but there are indications that increasing employment as a result of the defense program will keep theatre attendance up. Meanwhile, it was said that Treasury officials are pleased over the apparent general maintenance of admission prices at June levels, with the tax added. This, it was explained, means that exhibitors will have more income to report next March than if they had reduced admissions to absorb the tax.

Reactions from key spots at the end of the first week follow:

Popular in Philadelphia

PHILADELPHIA, July 7.—That local patrons are willingly paying the tax for national defense was apparent before the first week was over. In fact, the reaction at the box-office was such that theatre managers are inclined to believe that the tax is even popular. The canvass failed to turn up any pacifist who intended to stay out of the theatre in order to discourage the Government in its defense program. Apart from the odd-change problem with which cashiers had to cope, the tax is being paid ungrudgingly. Furthermore, the tax had absolutely no influence on the business done.

No Effect in Birmingham

BIRMINGHAM, Ala., July 7.—"No effect" was the general comment of exhibitors here on the new Federal tax. Even if it had been larger, exhibitors say, people would gladly pay it if they could be assured it would help the defense program.

Albany Reaction Favorable

ALBANY, July 7.—The holiday gave Capitol District theatres their first chance to watch operation of the new defense tax. While the delay in providing penny change was more noticeable than beforehand, the audience reaction was substantially the same.

Columbus Grosses Hold

COLUMBUS, O., July 7.—Business theatrewise is at practically an even keel here despite addition of the Federal tax to admission prices. The J. Real Neth Theatres, operating the neighborhood Cameo, Clinton, Eastern, Lincoln, Markham and State, has increased admissions from 25 to 30 cents, as has also Frank Yassenoff, who operates the Drive-In. There has been no conspicuous effect on attendance in either case.

Few Cincinnati Complaints

CINCINNATI, July 7.—A further territorial check on the effect of the Federal tax on admissions discloses but little, if any, downward trend in business, and the number of complaints are in the minority. Where comment is made by patrons it usually is in a jocular mood, and all in all, the public appears willing and in many cases glad for the opportunity of "doing their bit" toward the national defense program, while at the same time gratifying their desire for entertainment.

No Objection in Lincoln

LINCOLN, Neb., July 7.—Theatres coming under the new tax have reported no objection whatever from patrons. Cashiers say there are few who do not understand the tax, and even calls for explanation are minor.

Detroit Weighs Plan To Stagger Bookings

DETROIT, July 7.—Frank J. Downey, M-G-M manager here, has worked out a plan to stagger bookings of M-G-M films at Detroit subsequent runs. The plan, which is being considered by exhibitor organizations, would eliminate simultaneous runs throughout the city and provide day and date runs in the West Side while another film is playing day and date in the East Side. The following week the bookings would be reversed. The staggering would provide non-conflicting bookings for each section and a better flow of films in the "key" third runs, which have multiplied in recent years and are increasing, giving them a greater supply of M-G-M pictures.

Walter Selden to Wed

HOLLYWOOD, July 7.—Walter Selden of the Hollywood staff of MOTION PICTURE DAILY, will be married next Friday to Blanche May, daughter of Tom May, Los Angeles department store owner. The ceremony will be performed at the bride's home in Beverly Hills and that evening the couple will sail for a Hawaiian honeymoon. Selden is a former New Yorker.

English Film Credit Bank Is Seen Dead

LONDON, July 7.—The war situation has led to the belief that the plan originally proposed many months ago for a Government-sponsored or supported Film Credit Bank is dead.

Although the Board of Trade has indicated that the statement tomorrow on Government film plans to the Films Council by Sir Andrew Duncan, president of the Board of Trade, will contain "nothing sensational," it is felt in some quarters that the time is ripe for an announcement on the financial quota scheme. The plan was devised in agreement with the American major companies last April.

'Maryland' Players To Attend Opening

Brenda Joyce, Tyrone Power and Richard Greene, heading the cast of "Maryland," 20th Century-Fox film, will attend the premiere of the film Wednesday in Baltimore. During her stay there, Miss Joyce will be honorary Governor of the State. Following the showing, the three will come to New York for the opening at the Roxy on Friday.

B'way Records Go as Holiday Booms Grosses

(Continued from page 1)

Breakers" on the screen and Orrin Tucker's band and Bonnie Baker on the stage, set a new two-day figure when it grossed an estimated $25,000 for Wednesday and Thursday. July 4 was the best holiday the house has had in three years with the exception of a New Year's Day opening, it was reported.

"Wind" Goes Merrily On

The advent of the Summer tourist trade also brought a pickup to "Gone With the Wind." The film was nearly $1,000 better for its 28th week with an estimated $8,600 than it had been during the preceding seven days.

At the Strand, "The Man Who Talked Too Much" with Bob Crosby's band on the stage grossed an estimated $33,000 for its first week and was held over. "Sailor's Lady" with a stage show at the Roxy drew an estimated $16,500 for six days and "Private Affairs" opened on Thursday with an estimated $9,000. "Tom Brown's School Days" with a stage show at the Music Hall drew an estimated $60,000 for the week. In its second week at the Capitol, "The Mortal Storm" grossed an estimated $30,000 and is continuing for a third week.

It's "Spies" Again

Following the granting of a temporary injunction restraining the use of the title "Fifth Column Squad," the Rialto restored the original title to "Spies in the Air" which opened there Wednesday. A "horror show," consisting of "Murders in the Rue Morgue" and "Man Who Redeemed His Head" drew an estimated $5,600 during the previous week at the house.

Legitimate stage houses did an excellent matinee business on the holiday. Of the 10 shows which played matinees, four played to standees while the remaining six were almost complete sellouts.

Holiday Business Booms L. A. Grosses

LOS ANGELES, July 7.—Holiday business was reported "excellent" at first runs and better than average at subsequent runs. Outstanding business was done at Grauman's Chinese, Loew's State and by Fox West Coast, these reporting a "200 per cent improvement" over last year's Fourth of July. The attraction was "Andy Hardy Meets Debutante." The Pantages and Hillstreet did excellent business, considering that the bill, "My Favorite Wife," is in a second week. Warners' Downtown and Hollywood reported favorable grosses on "The Man Who Wouldn't Talk." Matinee business provided the bulk of the business, with crowds thinning out at night to witness huge fireworks displays. All downtown theatres including "grinds" were packed during the day.

To Attend Opening

Charles Coburn and Beulah Bondi, who have leading roles in the film, will attend the opening of M-G-M's "The Captain Is a Lady" on July 23 at the State, Schenectady.

WARNERS HA

BO

IN NEW YORK

Radio City Music Hall hits biggest July 4th since opening of house eight years ago! First day is exactly $6000 ahead of 'Robin Hood'! The film that did it is

WARNER BROS.' "ALL THIS, AND HEAVEN TOO"

BETTE DAVIS and
CHARLES BOYER
in "ALL THIS,
AND HEAVEN TOO"
By Rachel Field with
JEFFREY LYNN
BARBARA O'NEILL
Virginia Weidler • Henry Daniell
Walter Hampden • George Coulouris
An Anatole Litvak Production • Max
Screen Play by Casey Robinson • Music by Max
Steiner • A Warner Bros.-First National Picture

That's the way things are n
will be from now on—if you

JACK L. WARNER, *In Charge of P*

E STARTED THE

IN

MILWAUKEE

Biggest July 4th since opening of Warner Theatre nine years ago! Better than 'Four Daughters' by $900 – bigger than 'Fighting 69th' by $200! The film that did it is

WARNER BROS.'

MY LOVE CAME BACK"

OLIVIA De HAVILLAND
and JEFFREY LYNN
in "MY LOVE CAME BACK"
with EDDIE ALBERT · JANE WYMAN
CHARLES WINNINGER
SPRING BYINGTON
Directed by KURT BERNHARDT
Screen Play by Ivan Goff, Robert Buckner and Earl Baldwin
From a Story by Walter Reisch
A Warner Bros.-First National Picture

—and that's the way things

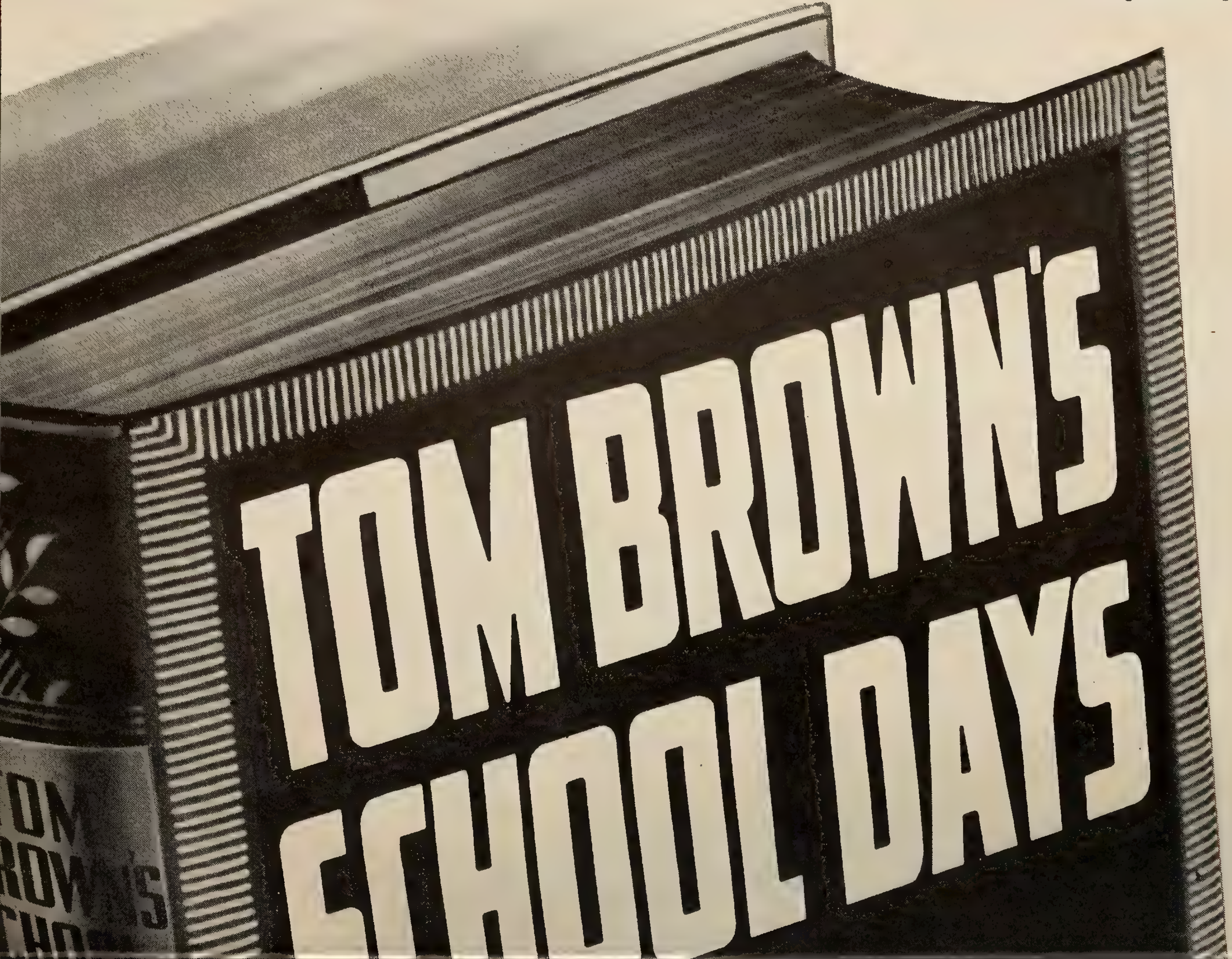
ve a Warner Bros. contract!

AL B. WALLIS, *Executive Producer*

FILM DAILY—"A standout attraction whose power and appeal mean certain acclaim by all fans . . . must be set down as a box-office natural."

SINCLAIR LEWIS—"Adds to the stature of the motion picture as adult entertainment."

JAMES HILTON, AUTHOR OF "MR. CHIPS"—"One of the richest of all stories of schoolboy life. I am delighted to see Tom and Dr. Arnold, the 'Mr. Chips' of Rugby, brought to warm-hearted, young-loving America. We salute the film version of this completely delightful entertainment."



JIMMY FIDLER —
"Should score a hit."

GENE HERRICK, LOOK MAGAZINE —
"Rich in humor and drama...can take its place among the ten best pictures of any year."

PAUL HARRISON, NEA SERVICE —
"Combines rich drama with great comedy."

MOTION PICTURE DAILY —
"A Sound and solid piece of entertainment."

HOLLYWOOD REPORTER —
"Will gain ready response from the same audiences that took to heart 'Mr. Chips'."

HOLLYWOOD VARIETY —
"Splendid and very moving . . . a compelling piece of entertainment."

JIMMY STARR —
"Will take its place among the screen's top pictures."

erc
ales

"Towne and [illegible]ker deserve great credit for its sincerity."

LOUELLA PARSONS—

"Sympathetic and meritorious."

RADIO CITY MUSIC HALL ATTRACTION . . . OPENING FIRST RUNS EVERYWHERE!

PRESENTED BY GENE TOWNE

A THE PLAY'S THE THING Production

RKO RADIO PICTURES

with **SIR CEDRIC HARDWICKE · FREDDIE BARTHOLOMEW · JIMMY LYDON**
JOSEPHINE HUTCHINSON · BILLY HALOP · POLLY MORAN · HUGHIE GREEN · ERNEST COSSART · ALEC CRAIG · GALE STORM

PRODUCED BY GENE TOWNE AND GRAHAM BAKER · DIRECTED BY ROBERT STEVENSON

ADAPTATION AND SCREEN PLAY BY WALTER FERRIS & FRANK CAVETT AND
GENE TOWNE & GRAHAM BAKER · ADDITIONAL DIALOGUE BY ROBERT STEVENSON

Seek to Oust Dolan, Chicago AGVA Agent

CHICAGO, July 7.—A petition to the heads of the American Guild of Variety Artists in New York, seeking the ouster of Graham Dolan, organizer for the A.G.V.A. in this area, has been started by a group of Chicago entertainers.

The petition alleges that Dolan, a former newspaper man who was discharged from the Chicago *Tribune,* and who was active in the Newspaper Guild strike against the Hearst *Herard-American,* still belongs to the Newspaper Guild and therefore is a member of the C.I.O., opposed to the A.F.L., with which the A.G.V.A. is affiliated. It is charged in the petition that Dolan's inexperience does not qualify him for the position.

Joseph Keenan, secretary of the Chicago Federation of Labor, will confer with A.F.L. President William Green in Washington tomorrow relative to Dolan's alleged C.I.O. affiliation.

Actors Sue Loew's Following Crash

Suit for $125,000 damages has been instituted in Brooklyn Supreme Court by Natalie Boyle and Paul Gerson against Loew's, Inc., WHN Artists Bureau and Loew's Poli, Bridgeport. The two performers were injured in an automobile crash on May 25 in which two other performers were killed and two others injured en route from New York to Bridgeport to fill an engagement.

The complaint alleges that the defendants were negligent in failing to provide safe transportation. The car was owned by Albert Vincent, one of the troupe.

Wilkes-Barre Firm Asks Station Permit

WASHINGTON, July 7.—Authority to construct a new 1,210-kilocycle, 250-watt broadcasting station at Wilkes-Barre, Pa., has been asked of the Federal Communications Commission by the Wilkes-Barre Broadcasting Corp.

An application also has been filed with the commission by WMMN, Fairmont, W. Va., for increase of night power from 1,000 to 5,000 watts.

'Icecapade' at Resort

PITTSBURGH, July 7.—The Arena Managers Association, of which John H. Harris, local theatre man, is president, plans to open the "Icecapades of 1940" in Atlantic City, July 19 for the Summer. Rehearsals will start at the resort shortly, with Russell Markert, New York Radio City Music Hall dance director, expected to stage the show.

Barnes Show Banned

CHICAGO, July 7.—Word has been received here that the Detroit and Wayne County (Mich.) Trades and Labor Council has served notice that the Barnes & Carruthers carnival will not be permitted to have a show at the Michigan State Fair, which opens shortly, because of differences with the A.G.V.A.

Feature Reviews

"Sailor's Lady"

(20th Century-Fox)

HOLLYWOOD, July 7.—Nancy Kelly and Jon Hall here portray a girl and the sailor with whom she's in love, in a story which finally enables the pair to overcome the difficulties supplied by the adoption of a year-old baby.

The screenplay by Frederick Hazlitt Brennan, from a story by Frank Wead, supplies comedy in the telling, aided by the baby, Bruce Hampton; Joan Davis and Wally Vernon. Harry Shannon, as a sympathetic priest; Diana Andrews, Katherine Aldrich, Mary Nash and Larry Crabbe all appear to advantage in supporting roles.

Interpolated with the story are scenes of the fleet at rest and in action. Sol Wurtzel was executive producer and Allan Dwan directed.

Running time, 65 minutes. "G." W. S.

"Murder in the Air"

(Warners)

In the light of current events, this melodrama concerning the Government's drive against professional saboteurs and spies is highly exploitable. The subject is treated tactfully in that neither dialogue nor the accents of the aliens concerned suggest the country involved.

Ronald Reagan heads the cast which includes John Litel, Lya Lys, James Stephenson and Eddie Foy, Jr. Raymond Schrock's original screenplay as directed by Lewis Seiler provides for brief comedy interludes offsetting the melodrama.

Reagan and Foy, Federal agents, are assigned to investigate a train wreck in which a hobo carrying a large sum of money was killed. The investigation leads to an international ring of spies in California to whom the dead man, a confederate, was en route. Reagan poses as the hobo and joins the mob. A plot to seize from Government authorities an "inertia projector," a radio weapon, is finally uncovered and the mob captured. The two leaders crash in a burning airplane in an attempt to escape.

Running time, 57 minutes. "G."

"G" denotes general classification.

Off the Antenna

WARNERS has set eight network shows for the next two weeks, each carrying some mention of current Warner releases. "My Love Came Back" will be plugged on Hedda Hopper's show, the Admiral Byrd broadcast and "Kraft Music Hall." "The Man Who Talked Too Much" will receive attention on another Hedda Hopper show; "Flowing Gold" on the Kraft program; "Ladies Must Live" on "Little Old Hollywood," and "All This, and Heaven Too" on the Los Angeles KNX Camera show.

• • •

Purely Personal: *Fulton Lewis, Jr., Mutual's Washington commentator, will address the Los Angeles Chamber of Commerce today. . . . Bert Salter, who produced "Our Kids" for the Yankee Network, is in town with a new children's series called "Musical Wishes." . . . Ira Herbert, assistant to the WHN sales director, is on a two-week fishing trip in Maine. . . . Bobbie Bach of the WNEW "Platter Brain" show is in Chicago on vacation. . . . Willie Howard will replace Abbott & Costello on the Kate Smith show over CBS when the program resumes Sept. 20.*

• • •

WHN has distributed a new car card for use in 1,500 Fifth Avenue busses and New York, New Haven & Hartford Railroad coaches. In addition, Herbert L. Pettey, station director, has sent to sponsors, advertising agencies and newspapers a booklet called "Your Government and Mine," an Independence Day promotion piece.

• • •

The Civil Aeronautics Authority has purchased four General Electric 250-watt FM transmitters for four radio beams in Alaska. The transmitters will also be used to broadcast weather reports. The advantage of FM, which eliminates static, may be considerable in the northern zone.

• • •

CBS Golf: *Frank Kizis, secretary to William S. Paley, CBS president, was winner in the annual CBS golf tournament over the weekend to gain the second leg on the trophy donated by L. W. Lowman, CBS vice-president. With a handicap of 23, Kizis scored a net of 72. Andre Baruch, announcer, had a low gross of 84, while Al Rinker, program producer, won the kickers' handicap with a 76. Dell Peters of the Artists Bureau had a low net for the second 18 with a 72, and A. B. Chamberlain, chief engineer won a driving contest. Jim Middlebrooks, engineer, landed the booby prize with a 149.*

DuMont Telecasts First Test Pattern

The DuMont television station now located at 515 Madison Ave., started last week to transmit its first test patterns on its 50-watt transmitter. A double image, or "ghost," was received on a number of sets because the antennae were directed to the NBC stations.

This was due in part to the horizontal type of polarization used in telecasting. DuMont is experimenting with both horizontal and vertical types in order to determine the method best suited to this area.

Set B & K Television Transmitter Shortly

A transmitter site for the Balaban & Katz television station in Chicago will be selected within the next 60 days, Paul Raibourn, Paramount television coordinator, revealed over the weekend, after his return from Chicago. While there he inspected three prospective sites.

No decision has been made yet concerning the location of the transmitter. It will be either in the Loop section of Chicago, where advantage can be taken of the taller buildings, or in the suburbs, where broader coverage can be obtained for the neighboring towns.

Raibourn revealed that the Majestic Radio & Television Corp. situation is being studied to permit the early operation of the plant by the Allen B. DuMont Laboratories, Paramount affiliate, which will control Majestic under the reorganization. Majestic is scheduled to remain in reorganization until the middle of August when the options of stockholders to subscribe to the new debentures expires, but an arrangement may be made with the trustee to speed up the start of operations.

Represent Republic on Academy Council

HOLLYWOOD, July 7.—Darryl F. Zanuck, chairman of the Research Council of the Academy of Motion Picture Arts and Sciences, has appointed Charles L. Lootens, chief engineer of the Republic Studio, to Council membership.

Republic Studio is now contributing to the financial support of the Research Council program, and under the Academy by-laws is thus permitted representation on the Council.

Miss Carroll Safe; Para. 'Virginia' Set

HOLLYWOOD, July 7.—Paramount is going ahead with plans for the start of "Virginia" following assurances from the American Legation at Lisbon, Portugal, that Madeleine Carroll would leave by Clipper for the United States tomorrow. It is expected Miss Carroll will join the crew at Charlottesville, Va., next week, under the direction of Edward H. Griffith, producer-director.

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 6 NEW YORK, U. S. A., TUESDAY, JULY 9, 1940 TEN CENTS

U. S. Charges Schine Trust In 37 Cities

Files Details in Bill of Particulars

Buffalo, July 8.—The Government today charged the Schine circuit with maintaining local monopolies in 37 cities and towns, in a voluminous bill of particulars filed here by U. S. Attorney George L. Grobe in connection with the anti-trust suit against the theatre company.

The cities named are virtually all in New York and Ohio. They follow:

Ashland, O.; Athens, O.; Ballston, N. Y.; Bath, N. Y.; Bellefontaine, O.; Bucyrus, O.; Cambridge, Md.; Canandaigua, N. Y.; Carthage, N. Y.; Corbin, Ky.; Cortland, N. Y.; Easton, Md..; Fostoria, O.; Geneva, N. Y.; Gloversville, N. Y.; Hudson Falls, N. Y.; Hurlock, Md.; Illion, N. Y.; Kent, O.; Laurel, Del.; Little Falls, N. Y.; Lockport, N. Y.; Milford, Del.; Mt. Vernon, O.; Newark, N. Y.; Norwich, N. Y.; Ogdensburg, N. Y.; Oneonta, N. Y.; Paris, Ky.; Penn-yan, N. Y.; Perry, N. Y.; Ravenna, O.; Richmond, Ky.; Salamanca, N. Y.;

(*Continued on page* 4)

'Heaven' and 'Ghost' B'way Smash Hits

With real Summer weather prevailing over the weekend, Broadway first run business slumped during Saturday and Sunday but the Music Hall and the Paramount continued to draw grosses that would grace any season's tally sheet.

At the Music Hall, "All This, And Heaven Too" with a stage show drew an estimated $70,000 for its first four days and appears headed for the $100,000 mark for its first week. With

(*Continued on page* 4)

'Maryland' Opens in Baltimore Tomorrow

Tyrone Power, Brenda Joyce and Nancy Lane will arrive here today on the first commercial flight of the new TWA Stratoliner from the Coast, prior to going to Baltimore for the premiere of 20th Century-Fox's "Maryland" at the New and Centre Theatres tomorrow night.

The stars will be met by state and civic officials today, and attend a dinner at Sagamore Farms, the Vanderbilt estate near Baltimore tonight.

(*Continued on page* 5)

British Monetary, Footage Quotas to Be Made Optional

London, July 8.—An order in council will be issued tomorrow by the British Board of Trade, probably operative immediately and retroactive to April 1, which will introduce the monetary quota as an alternative to the footage quota, either to be used at the option of distributors.

This legislative adjustment of the industry situation, which will be formally presented to Parliament as an order in council, will obviate the necessity for the introduction of a new Films Act.

Sir Andrew Duncan, president of the Board of Trade, addressing the Films Council today, said the Government will introduce the monetary quota immediately. He expressed regret that war conditions made it impracticable to go ahead with the proposed Film Credit Bank. Members of the Council indicated that they expected shortly to pass a resolution lamenting the impracticability of adopting the Credit Bank plan now.

Exhibitors' representatives warned Duncan that if a sufficient supply of films is not forthcoming, they would later press for an appropriate reduction in quota percentages. The monetary quota uses film cost as the basis for quota obligations, rather than the footage involved.

Mexican Elections Cut Theatre Hours

Mexico City, July 8.—Theatres here remained closed yesterday morning, the day of Mexico's turbulent national election, and opened at 5 P.M. instead of at 3 P.M.

The exhibitors scored a victory over their employes in opening at all. The unions wanted a full holiday because of the election.

Few Coast Players Eligible to Serve

Hollywood, July 8. — Not many actors or other talent are affected by the British order directing those of military age to return to England. A checkup of the studios today showed that most of the well known players are over the 31-year age limit.

Louis Hayward, now appearing in Edward Small's "Count of Monte Cristo," which has three weeks shooting left, is affected by the order, and last month deferred taking out final citizenship papers.

Richard Greene, 20th Century-Fox player, several weeks ago filed an offer of service with the British consul. Edward Ashley, young M-G-M actor, who made his American debut in "Pride and Prejudice," is also awaiting further orders.

Exhibitors Generally Calm Over 'Jackrabbit' Shows

The operation of 16mm. "jack rabbit" shows for the most part presents no serious problem to the exhibitors of the country, a Motion Picture Daily survey discloses.

In some situations, the operation is a competitive factor of some consequence, with attempts made by individual exhibitors to develop some sort of regulation or restriction on the operations, but on the whole, exhibitors apparently are not particularly disturbed over the situation.

At the recent Allied States convention in Chicago, the organization passed a resolution condemning the operation of 16mm. shows as unfair competition.

It is the general feeling that 16mm. showings should be confined to schools, institutions and other strictly non-theatrical situations.

Following are reactions to the situation in various exchange territories over the country.

No Problem in Southwest

Dallas, July 8.—Sixteen millimeter films are creating no problem in the Southwest, exhibitors here declare.

"We have made a careful check,"

(*Continued on page* 4)

Phila. Neighborhood's Swank Duals

Philadelphia, July 8.—The Tioga, independent neighborhood house, dresses up its double feature programs on Wednesdays and Thursdays, henceforth to be known as "Novel Tioga Nights."

During the warm weather, there is a 15-minute intermission between the two main features, when patrons may adjourn to a decorated terrace outside, where cigarettes and soft drinks will be served. All seats for these special double feature bills will be reserved.

Allied Yields Divorcement Point in Suit

Agrees to Cooperate on New Trade Code

Allied States has yielded on its unequivocal stand for theatre divorcement as a condition for an out-of-court settlement of the Government's New York anti-trust suit, it was learned from authoritative sources yesterday.

Allied has agreed to cooperate in enforcing a trade practice code which is expected to be incorporated in the settlement, providing such a code has "teeth" in it and will compel compliance by all concerned. Allied is said to be anxious for the early adoption of a code. It is understood high Allied officials receive regular reports from the Department of Justice on the progress of the settlement negotiations.

Meanwhile, Federal Judge Henry W. Goddard yesterday adjourned trial of the suit for one week, to July 15. J. Stephen Doyle, special assistant Attorney General, informed the court that conferences would resume today with the general committee giving "careful consideration" to recommendations made by the subcommittees

(*Continued on page* 4)

Two Convicted for Stolen Print Traffic

Two convictions in the Chicago territory have been obtained by the Copyright Protection Bureau for traffic in stolen prints, Jack H. Levin, director of the bureau, revealed yesterday. A. J. Calderara, an independent distributor, and Walter Johnson, former employe at the Public Theatre, Chicago, pleaded guilty respectively to charges of receiving stolen property and acting as accessory. Both received suspended sentences but Johnson was placed on probation for six months and Calderara for three.

The bureau picked up a stolen print of Universal's "Sutter's Gold" last October in New York City. It was traced to Rochester and then to Calderara in Chicago. Johnson admitted that he stole the print from the Public and after keeping it under cover for three years, disposed of it to Calderara, according to Levin.

A criminal conviction in Chicago for violation of the Federal Copyright Law was obtained less than a year ago.

Propaganda Films At English Houses

London, July 8. — Commencing today, all film houses in England are collaborating with the Ministry of Information, giving screen time regularly to a series of Information Ministry films. The film for the current week deals with the evacuation of children to North America.

Prudential Shorts For U. A. Release

Prudential Pictures, Inc., has been formed to produce three series of 12 shorts for Columbia release. Edmund L. Dorfman, who has produced documentary films as head of the American Institute of Motion Pictures, is president of the company. Harry Hershfield, newspaper columnist, is vice-president and treasurer. Dorfman will continue to head the documentary company.

The series planned by Prudential will have a patriotic theme. The first will be "Living Hall of Fame," biographies of noted Americans. An audience participation series of a quiz nature on history, and another on spots of foreign atmosphere in New York, such as buildings and restaurants, are scheduled.

Korda Ordered to Appear in UA Suit

Federal Judge Vincent Leibell yesterday signed an order for Alexander Korda to appear for examination before trial on Thursday in the suit of Samuel Goldwyn against United Artists. Korda was asked to bring all records pertaining to the U. A.-Goldwyn contract situation at issue. Korda is expected in town today or tomorrow from the Coast.

Sears Flies West

Gradwell L. Sears, Warners' general sales manager, left for Burbank by air last night for studio conferences on the company's new season's product. He is expected to return in about 10 days. While there he will confer with Jack L. Warner and Hal Wallis and see completed films.

Nick Trial Aug. 5

ST. LOUIS, July 8.—The scheduled trials of John P. Nick and Clyde A. Weston, recently indicted by the U. S. Grand Jury on racketeering charges in connection with their activities as heads of Local 143, will start before United States District Judge John Caskie Collet Aug. 5.

WHAT actress appeared on the Broadway stage in "Golden Boy" and first sprang into prominence on the screen in "Come and Get It"?

See Page 6

Personal Mention

N. L. NATHANSON, head of Famous Players Canadian Corp., is in town.

•

JAMES ROOSEVELT returned yesterday from Boston.

•

A. G. STOLTE, Tri-States Theatres Des Moines district manager, has left with his wife for a two-week Canadian vacation.

•

MARVIN FOSSE, operator of the Pastime at LaPorte City, Ia., has been elected president of the LaPorte City Lions Club.

•

HENRY ARNSTEIN of the 20th Century-Fox Coast publicity department, is visiting relatives at Norristown, Pa.

•

J. LEONARD MINTZ, accessories sales head at the 20th Century-Fox exchange in Philadelphia, was married recently to THELMA SOLAR.

•

ALLEN GOODKIN has been named assistant to JACK MINSKY at the new Astor, Warner Philadelphia house.

•

ROY KORSON, son of DAVID KORSON, Columbia Philadelphia salesman, has been awarded a Mayor's scholarship to the University of Pennsylvania.

•

WILLIAM SMITH, manager of the Majestic, Aleline, Texas, is visiting here.

•

WILLIAM D. GADDONI, head M-G-M booker at the Albany exchange, has announced his engagement to Alice Schmitz, with wedding set for October.

•

HAROLD D. EVENS, manager of Loew's, St. Louis, is on vacation.

•

RUSSELL MORTENSEN of Columbia's St. Louis branch, has returned from a vacation with his wife, who is secretary to ROBERT TAYLOR, Monogram manager.

ED KUYKENDALL, president of the M.P.T.O.A., is here for a few days before attending the Democratic convention in Chicago, which opens Monday.

•

HELEN MASON of General Films, Ltd., Toronto, is vacationing here.

•

WILL HAYS, MARTIN MOSKOWITZ, HARRY GOLD, JACK COHN, HARRY LINK and HAL HORNE at Lindy's (51st St.) yesterday for lunch.

•

JULES LEVEY, ROBERT BENJAMIN, ARTHUR LOEW, SIDNEY PHILLIPS, LAURENCE REID, I. E. LOPERT, ARTHUR KRIM and AL ALTMAN lunching at Sardi's yesterday.

•

CHARLES E. MCCARTHY, NED DEPINET, JOSEPH BERNHARD, MORRIS KINZLER, ADOLPH ZUKOR, ARCH REEVE, MAX A. COHEN, MAURICE BERGMAN, BEN WASHER, TED O'SHEA, HARRY BRANDT, KARL MACDONALD, LOUISE RAINER, JOSEPH and DAVID WEINSTOCK, TOM CONNORS, FRED SCWARTZ, RUSSELL HOLMAN and M. A. SCHLESINGER at Nick's Hunting Room in the Astor for lunch yesterday.

•

OSCAR A. DOOB, RAY GALLAGHER, DOUGLAS ROTHACKER, ABE SCHNEIDER, JEFFREY BERNERD, NORMAN C. NICHOLSON, LOU POLLOCK, R. M. SAVINI, EDWARD L. MCEVOY and THOMAS LOACH lunching at the Tavern yesterday.

•

WILLIAM NORTON, owner of the Avalon, St. Louis, is on vacation in the Rockies.

•

KENNETH DELONG, assistant at the Stadium, Woonsocket, R. I., has left on a two-week vacation.

•

SAM GERMAINE, 20th Century-Fox booking manager in New Haven, is vacationing in Boston.

•

MATT SAUNDERS, manager of the Loew-Poli, Bridgeport, Conn., is en route to Chicago.

Willkie Overemphasized In Newsreels, Says Cole

By HARRY McCORMICK

DALLAS, July 8.—Col. H. A. Cole, president of Allied States Association, today declared that the newsreels have overemphasized the Wendell Willkie candidacy for President. He implied that the major companies, controlling the reels, are backing Willkie in the hope that a new administration might adopt a more friendly attitude toward the distributors, defendants in several Government anti-trust suits.

Col. Cole said: "I have noticed for weeks that all the newsreels without exception are full of the Republican candidate, not only the convention where he was nominated, but in a continued and continuous repetition of Willkie, Willkie, Willkie, ever since that time.

"Even prior to the nomination, he received what appeared to be a build-up. Of course I realize the Republican convention and candidate are news and are due a certain space on news screens, but I was wondering if the natural trend has not been accelerated by the absolute control of the newsreels by the motion picture trust. The Big Eight producing and distributing film companies today are facing half-a-dozen anti-trust suits by the Attorney General of the nation under the present Administration.

"Their resentment and fear of the action is apparent. By every legal move possible they have delayed the suits for two years and today our industry faces still further delay in obtaining much needed relief. Is there perhaps a thought that with still further delay a new Administration might adopt a more friendly attitude? I shall watch with interest to see what treatment is given each of the two parties and their candidates during the coming months."

Kansas City Area Has Few Closings

KANSAS CITY, July 8.—Summer closings in this area are fewer than in 10 years. This has been due not to good business but to cool weather, although theatre grosses would have been down further had the area had its normally hot Summer. On the basis of Film Delivery tonnage, receipts are off almost 25 per cent, and have been since early Spring; yet, prospects are better, since the wheat harvest in Kansas is millions of bushels over expectation, and spending as the result of the defense program is expected eventually to aid general business conditions.

Less than 10 theatres have been closed for the Summer so far. Fox Midwest is closing half a dozen No. 2 houses, two of them as of July 13, which is much later than usual for these and the others. In a few country towns matinees on five week days are being eliminated for the Summer. H. J. Griffith Theatres, Inc., closed the Carlton, Manhattan, Kan., earlier this Spring, but this was not a "Summer closing" as such; no other closings are planned. Commonwealth Theatres are not closing any. Herman Lee has closed the Lee at Hillsboro, Kan., for July.

Yeshiva Awards Are Aided by Film Drive

Scholarships which were extended for the year 1940-1941 at the Yeshiva College, through the annual drive in the film industry, of which George J. Schaefer, RKO president, was chairman, included the following:

The Barney Balaban Scholarship, established in memory of his mother; the Nate J. Blumberg Scholarship, established by Universal Pictures in honor of its president; the Jack Cohn Scholarship, established in memory of his father; the Robert K. Christenberry Scholarship; the William F. Rodgers Scholarship, established by M-G-M to honor Rodgers, and the George F. Skouras Scholarship, established in memory of his mother.

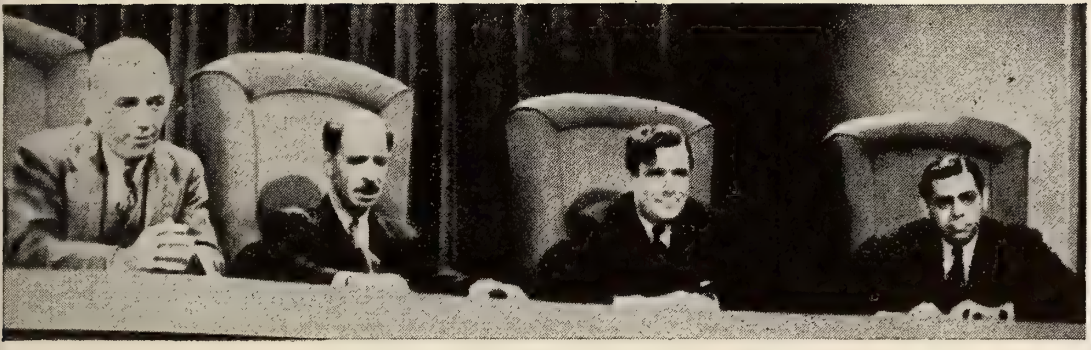
Cantor Heads Guild

Eddie Cantor has been elected president of the Jewish Theatrical Guild. Other officers are: George Jessel, vice-president; Sam Forrest, financial secretary; Dr. Leo Michel, chairman of relief.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

RED HOT

RIGHT NOW!



WENDELL WILLKIE

as guest star of issue #12

INFORMATION PLEASE

Matching his wits with the regulars

CLIFTON FADIMAN • FRANKLIN P. ADAMS • JOHN KIERAN *and* **OSCAR LEVANT**

Produced by **FRANK DONOVAN** *Supervised by* **DAN GOLENPAUL**

RKO-PATHE RELEASE

SEND THIS COUPON!

RKO RADIO PICTURES, Inc.
1270 Sixth Avenue,
New York, N. Y.

Gentlemen:

I am interested in the "Information Please" service for my theatre. Without obligation on my part, please quote price.

(NAME)

(THEATRE)

(CITY)

U. S. Charges Schine Trust In 37 Cities

(*Continued from page* 1)

Saranac Lake, N. Y.; Seneca Falls, N. Y., and Tiffin, O.

Competing theatres in these places also are listed.

The Government lists the following theatres which, it charges, have been given preference or protection in film bookings by distributors:

Strand, Ogdensburg, N. Y., all distributor defendants; Capital, Newark, N. Y., all distributor defendants; Strand, Delaware, O., Paramount and United Artists; Strand, Hudson Falls, N. Y., all distributor defendants; Rialto, Lockport, N. Y., 20th Century-Fox, Universal, Warners, Vitagraph, Columbia, Paramount and RKO.

Carthage and Malone

Strand, Carthage, N. Y., all distributor defendants; Malone, Malone, N. Y., all distributor defendants; Vine, Norwalk, O., Paramount, 20th Century-Fox, Warners, RKO, Universal and United Artists; Forum, Norwalk, O., Capitol, Norwich, N. Y., and the Van Wert, Van Wert, O., all distributor defendants.

Theatres acquired by Schine which after acquisition, have been granted priority or preference over competing theatres by distributor defendants are listed by the Government as the Colonial, Norwich, N. Y.; Strand, Ogdensburg; Capitol, Newark; Strand, Delaware, O.; Strand, Hudson Falls; Strand, Carthage; Forum, Norwalk, O., and the Van Wert, Van Wert, O.

Names and locations of competing theatres over which theatres acquired by Schine are alleged to have been granted priority are the Star, Delaware, O.; Palace, Lockport, N. Y.; Plaza, Malone, N. Y.; Memorial, Mt. Vernon, O.; Moose, Norwalk, O.; Smalley, Norwich, N. Y., and the Ohio, Van Wert, O.

License Refusal Charged

The Government charges that all distributor defendants have "consistently refused to license motion pictures on a local competitive basis to the Plaza Theatre at Malone and that the defendant 20th Century-Fox has likewise refused to license to the Memorial Theatre in Mt. Vernon, O."

The claim also is made that the refusal to sell a second or subsequent run to the Plaza at Malone was made at the request of Schine defendants.

Names and locations of theatres over which it is charged unreasonable protection was granted to Schine defendants by distributors are the American, Canton, N. Y.; Playhouse, Clyde, N. Y., and the Avalon, Lowville, N. Y.

Houses that claim to have been charged more for comparable or less favorable runs than Schine are listed by the Government as the Capital, Auburn, N. Y.; the Palace, Corning, N. Y., and the Madison and the Monroe, both in Rochester.

It is further charged that the following were prevented from using films which were licensed to Schine in excess of the reasonable exhibition requirements of the theatres, or from obtaining those films while they are still new:

Aleck P. Papayanakos, Canton, N. Y., delay of 60 to 75 days in exhibition after first run, manner in which this result was accomplished not being known; Reliance Theatres, Inc., Lockport, extent of loss of product not known, accomplished by contract with Schine; Michael Boumansour, Malone, no product received because of contracts with Schine, and Emerson W. Long, Mt. Vernon, O., no product received, how accomplished not known.

Censor Not Concerned With 16 mm.

Philadelphia, July 8.—Mrs. Edna R. Carroll, head of the Pennsylvania censor board, has denied allegations by local exhibitors who claimed that practically all 16mm. films lack censor seals.

She said the censor would not join any move to curb 16mm. exhibition, pointing out that a State's Attorney General opinion held that the board is concerned only with the contents of films. "Sixteen millimeter is a legitimate industry," she said.

Exhibitors Generally Calm Over 'Jackrabbit' Shows

(*Continued from page* 1)

said Robert O'Donnell of Interstate Circuit. "There is practically no use of this class of product in our territory save in a few instances where park shows are being given free with an advertising angle."

R. I. Payne, of R. E. Griffith Theatres, reported no trouble in their towns with 16mm.

15 Circuits in Nebraska

LINCOLN, July 8.—About 15 circuits of free shows, five towns in each one, are in operation in Nebraska using 16mm. film. Regular exhibitors have argued against them for some time, even to the point of seeking regulatory legislation, but legislators refused to pass it claiming the free show was a strong business puller in small towns for merchants and it would be political suicide to stop them.

Not Alarming in Cincinnati

CINCINNATI, July 8.—Theatre competition from 16mm. films exists in this territory, but not to a particularly alarming extent as yet. There is, however, occasional evidence of increases in the number and frequency of showings which are sponsored largely by religious and charitable groups, fraternal and civic bodies, and, in some instances, by private enterprises.

Showings are not, for the most part, on a regular schedule, but sporadic, and admission, if charged at all, usually is very low, or audience gratuities in lieu of admissions often are invoked, with proceeds diverted to a religious or similar cause.

"There isn't much we can do about it now," is the gist of exhibitor opinion, "unless we attack the issue at its source by discouraging distribution or agitating legislation on the ground that 16mm. exhibitors be compelled to pay a license and be subject to the same regulations as a theatre operator."

KANSAS CITY, July 8.—It is estimated that in five years the number of jack rabbit circuits in this territory has doubled, and that today three-fourths of them are using 16mm. films. Serving some 425 towns in the area, these portable outfits represent the No. 1 competitive factor in the 16mm. field.

Yet opposition from exhibitors has been very slight. A very few exhibitors have protested to film companies, and there has been some, but not much, effort to have the subject taken up vigorously by exhibitor associations—without result, so far.

Birmingham Undisturbed

BIRMINGHAM, Ala., July 8.—The showing of 16mm. films has proved no bother so far to exhibitors in this territory. Apparently the exhibitors have been able to control the situation or else there has been no demand for the old films. Exhibitors agree that these films could be a nuisance if shown to any extent.

No Buffalo Objection

BUFFALO, July 8.—There is no marked objection to the use of 16mm. in the Western New York area, according to exhibitors. Old films have been shown in connection with Bingo games in an old, worn out downtown house, but exhibitors interests do no seem to care. Such deals have little or no effect on major houses. Exhibitors say "Sure, if they get buyers for the old stuff, more power to them."

Not Popular in Philadelphia

PHILADELPHIA, July 8.—While the showing of 16mm. films presents no problem to local exhibitors, such showings never achieving any degree of popularity within the city to create a factor of competition to the theatres, it is a chronic problem and complaint of exhibitors in the nearby towns and cities. Up-state exhibitors, especially those in Lancaster, have been alarmed for some time over the showing of such films in night clubs and taverns. In addition to the free showings in the evening, many places offer afternoon shows.

No Invasion of Spokane

SPOKANE, WASH., July 8. — No 16 mm. films have invaded Spokane or adjacent territory, according to leading exhibitors. There are some portable 35 mm. machines being used in the small towns, however.

Rubinger Heads W. B. Exploitation Division

KANSAS CITY, July 8.—Monroe Rubinger, district exploiteer for Warners, has been transferred to Chicago, where he will head the Midwest division. Martin Weiser, with Warners for four years, the past year with Sam Clark on the coast, will be publicity representative for the Kansas City district. Rubinger will cover Chicago, Milwaukee, Minneapolis, Indianapolis, St. Louis, Kansas City, Omaha, Des Moines and Memphis.

Allied Yields Divorcement Point in Suit

(*Continued from page* 1)

last week. Conferences were interrupted most of last week as the Government attorneys were in Washington for the holiday, during which a full report on the negotiations was given to Thurman Arnold, assistant Attorney General in charge of [illegible] anti-trust division.

Consider Clearance, Overbuying

Today's conferences between the attorneys for the defendant companies and the Government will concern clearance and overbuying. The entire committee received proposals on these points from the subcommittees last week, and the representatives for both sides will report back today on the attitude of their principals on these proposals.

A solution will be sought in today's conferences on block booking and trade showings provisions. Two different reports on these points have been submitted to the main committee.

There has been no agreement on specific points of arbitration. The main considerations to be settled are what parties will be entitled to demand arbitration, the machinery to be employed, and who is to bear the expense of the arbitration setup.

Favor Exhibitor Tax

Both sides regard favorably the provisions originally submitted in the Department of Commerce report on a fair trade practice code which placed part of the arbitration cost on the exhibitor by a tax of 10 cents a seat.

Reliable sources discount the possibility of a protracted adjournment of the conferences beyond the Summer. It was said that both sides are eager to bring the negotiations to a successful conclusion in an effort to settle the suit.

In the event a consent decree is drawn up while Judge Goddard is away on his vacation, no delay would be occasioned since the decree could be submitted to any other Federal judge in this district for approval, it was explained.

'Heaven' and 'Ghost' B'way Smash Hits

(*Continued from page* 1)

Orrin Tucker's band on the stage, "The Ghost Breakers" at the Paramount should end its first week tonight with an estimated $60,000, which is big. Both shows will probably go three weeks.

"Private Affairs" with a stage show at the Roxy grossed an estimated $20,000 in its first four days. "Maryland" will open there Friday. For the first three days of its second week at the Strand, "The Man Who Talked Too Much" with Bob Crosby's band on the stage drew an estimated $11,000. On Friday "My Love Came Back" opens at the Strand with Rudy Vallee's band on the stage. A revival of "Lost Horizon" at the Globe brought an estimated $6,000 for the week.

Productions Now Shooting Decline to 34

HOLLYWOOD, July 8.—The number of pictures before the cameras this week dropped to 34, as 13 were finished and only three were started. Twenty-three were being prepared, and 86 were being edited.

The tally by studios:

Columbia

Finished: "He Stayed for Breakfast," "So You Won't Talk" and "Deadwood Dick."

In Work: "Arizona," "Before I Die," "Wizard of Death."

M-G-M

In Work: "Strike Up the Band," "Escape," "Bad Man of Wyoming," "Dulcy," "Golden Fleecing."

Started: "The Philadelphia Story."

Monogram

In Work: "Arizona Red Man."

Paramount

Finished: "Victory," "The New Yorkers."

In Work: "There's Magic in Music," "Cherokee Strip," "Moon Over Burma," "Arise My Love."

Started: "Touchdown."

RKO

Finished: "Laddie," "Stranger on the Third Floor," "Triple Justice."

In Work: "Lucky Partners," "Dance, Girl, Dance," "They Knew What They Wanted," "Too Many Girls," "Wild Cat Bus."

Republic

Finished: "King of the Royal Mounted," "Ride, Tenderfoot, Ride."

Small

Finished: "Kit Carson."

In Work: "Son of Monte Cristo."

20th Century-Fox

In Work: "Down Argentine Way," "Brigham Young," "The Great Profile."

Universal

Finished: "When the Daltons Rode," "Son of Roaring Dan."

In Work: "Spring Parade," "Argentine Nights," "A Little Bit of Heaven," "Hired Wife."

Started: "Ragtime Cowboy Joe."

Warners

Finished: "Tugboat Annie Sails Again."

In Work: "City for Conquest," "The Letter," "Flowing Gold."

Sig Neufeld

Finished: "Gun Code."

Four of a Kind

Chicago, July 8. — Four Warner Theatre employes here will be tendered a bachelor dinner at the Warner Club rooms here on July 19. The four are: John Maloney, manager of the Grove; Roy Dunn, Orpheum, Hammond, Ind.; Edward Hendrickson, assistant at the Stratford, and Richard Beck, of the circuit tax department. Charles Ryan, district manager, and James Coston, zone manager, will act as hosts.

Feature Review

"Pride and Prejudice"

(M-G-M)

From the best-selling novel of Jane Austin and the Broadway hit of the same name, producer Hunt Stromberg has fashioned for the screen an altogether delightful and moving romantic comedy set in the Victorian era when a mother with five marriageable daughters was called upon to plot, scheme and carry on intrigue to see her offspring safely launched on the sea of matrimony.

For the prospective audience of millions who have read and re-read Jane Austin's tale of a lover too proud of his family and a girl prejudiced against class discrimination, there has been added the attractive lure of big marquee names. Mary Boland, as the mother, might well be proud of her brood which includes Greer Garson, Maureen O'Sullivan, Ann Rutherford, Heather Angel and Marsha Hunt.

Laurence Olivier is in the male lead and the supporting cast has such distinguished names as Edna May Oliver, Frieda Inescort, Edmund Gwenn, Karen Morley and many others.

The story moves in the somewhat stately manner of the Victorian era and much of the flavor of that period is preserved in the sentimental treatment of the film by Robert Z. Leonard, who directed. What the story lacks in action is over-balanced by its quiet humors and powerful, though restrained, emotions.

When Olivier and Miss Garson meet there is a sharp clash of temperaments as their rival viewpoints cause them to quarrel constantly. A proposal of marriage is refused by Miss Garson because she objects to Olivier's condescending approach. Later, however, Olivier arranges a marriage for one of Miss Garson's sisters who had run off with a soldier and there is a general reunion with each of the sisters displaying her respective husband or beau.

The screenplay was prepared by Aldous Huxley and Jane Murfin from the dramatization written by Helen Jerome.

Running time, 118 minutes. "G."*

EDWARD GREIF

---

*"G" denotes general classification.

'Maryland' Opens in Baltimore Tomorrow

(Continued from page 1)

The affair will be broadcast over WFBR, Baltimore. Tomorrow a yacht trip down Chesapeake Bay to Annapolis will precede the evening premiere.

Arrangements have been handled by Morris Mechanic, managing director of the two houses, and the staff of Charles E. McCarthy, director of 20th Century-Fox advertising and publicity. Herman Wobber, general sales manager, will also attend. From the home office also will go William Sussman, Eastern division manager, McCarthy, Rodney Bush, Earl Wingart, William Chambliss and Edward Solomon.

Alex Papand Dies

ST. LOUIS, July 8.—Alex Papand, who was interested in the White Way, Powhattan and Avalon Theatres here, died last week while visiting relatives in Mexico, Mo. Papand, a native of Greece, was 57 and one of the veteran exhibitors in St. Louis. His widow survives.

Barry Burke Honored

MINNEAPOLIS, July 8.—Approximately 100 theatre managers, operators, city executives and others joined here in a midnight banquet honoring Barry Burke, who resigned as manager of the Twin City district for the Minnesota Amusement Co.

Schott and Son Drown

DALLAS, July 8.—Harry C. Schott, 32, and his 11-year-old son, Eugene, were drowned yesterday when an excursion boat carrying members of a film forwarding agency, capsized in Lake Dallas.

Hold 'Life' Trade Show

LEWISTON, Pa., July 8.—Columbia held a trade showing of "The Fight for Life," produced by the U. S. Film Service, yesterday at the Rialto here.

'Poplars' and Clinton Loop Top, $20,000

CHICAGO, July 8.—"Anne of Windy Poplars," at the Oriental, with Larry Clinton's band on the stage, took $20,000. "George White's Scandals" on the Chicago Theatre stage, with "Safari" on the screen drew a strong $36,000.

Estimated takings for the week ending July 5:

"Turnabout" (U. A.)
APOLLO—(1,400) (35c-55c-75c) 6 days. Gross: $6,000. (Average, $6,500)
"Safari" (Para.)
CHICAGO—(4,000) (35c-55c-75c, 7 days. Stage: "George White Scandals." Gross: $36,000. (Average, $32,000)
"Ghost Breakers" (Para.)
GARRICK—(1,000) (35c-55c-75c) 8 days. Gross: $6,500. (Average, $5,000)
"Anne of Windy Poplars" (RKO)
ORIENTAL—(3,200) (35c-55c-75c, 7 days. Stage: Larry Clinton & Band. Gross: $20,000. (Average, $13,000)
"Mortal Storm" (M-G-M)
ROOSEVELT—(1,500) (35c-55c-75c) 7 days. Gross: $10,000. (Average, $11,000)
"Two Girls on Broadway" (M-G-M)
STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Cab Calloway & Band. Gross: $17,500. (Average, $15,000)
"Susan and God" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $7,000. (Average, $14,000)
"Gone With the Wind" (M-G-M)
WOODS—(1,100) (75c-$1.10-$1.50) 7 days, 23rd week. Gross: $18,000.

J. M. Trefry Dies

YARMOUTH, N. S., July 8.—J. M. Trefry, managing director of the Yarmouth Theatre & Amusement Co., operating the Capitol here, died following a sudden heart attack. He is survived by his wife and two sons.

I MARRIED ADVENTURE
by OSA JOHNSON
(Mrs. MARTIN JOHNSON)
THE BOOK OF THE MONTH BECOMES THE THRILL OF THE SUMMER!

OSA JOHNSON'S
(MRS. MARTIN JOHNSON)
I MARRIED ADVENTURE
Based on the great Book-of-the-Month-Club Selection
Produced by OSA JOHNSON
Edited by RALPH DIXON • Narration Written by DON CLARK and ALBERT DUFFY • Narrator JIM BANNON
A COLUMBIA PICTURE

Short Subject Reviews

"Information Please, No. 12"

(RKO-Pathe)

Here is probably the outstanding exploitation short subject of the year. When it was made Wendell L. Willkie was a utilities executive. Now he is the Republican candidate for President of the United States, and the object of nationwide attention. He is the guest on this latest of the entertaining and popular "Information Please" series, the other being the regular staff, John Kieran, Franklin P. Adams and Oscar Levant. Willkie, who does more than his share of answering Clifton Fadiman's diverse questions, acquits himself with skill and ease, and clearly demonstrates an unusual personal charm. Exhibitors everywhere really have something to sell in this subject. Frank Donovan produced. Running time, 10 mins.

"Spills for Thrills"

(Warners)

A dangerous profession, stunting for Hollywood cameras, is the subject of this "Broadway Brevity." The film emphasizes the split-second timing necessary in effecting crashes and the like. Harvey Parry, Mary Wiggins and Allan Pomeroy, experts, execute the tricks of the trade in exciting fashion. Stock shots of other screen daredevels, including Rin-Tin-Tin, are included. This is a thrilling subject that should be entertaining for all audiences. Running time, 19 mins.

"The Milky Way"

(Ising-M-G-M)

This is the story of the three little kittens who lost their mittens. An irate mother sends them to bed without supper and they dream that they travel to the Milky Way. After they have had their fill of milk, they wake up to find that mother has relented, but they faint when she offers them more milk. The kittens are drawn appealingly and the cartoon, which is in color, should please. Running time, 8 mins.

FRANCES FARMER
returns to the screen as the glamorous "Shanghai Ruby" in
EDWARD SMALL'S PRODUCTION OF
"SOUTH OF PAGO-PAGO"
RELEASED THRU UNITED ARTISTS

Feature Reviews

"Scatterbrain"

(Republic)

HOLLYWOOD, July 8.—"Scatterbrain," which introduces Judy Canova to the screen as "the Jenny Lind of the Ozarks," is one of the year's funniest pictures. It takes a hillbilly girl, through mistaken identity, to Hollywood as a prospective film star, through the vicissitudes of studio politics, to emerge as a star. In her first film vehicle, Miss Canova demonstrates that she is a singer as well as comedienne.

She is given excellent support by Alan Mowbray, in one of his best roles; Ruth Donnelly, Eddie Foy, Jr., Joseph Cawthorn, Wallace Ford, Isabel Jewell, Luis Alberni, Billy Gilbert, Emmett Lynn and Jimmy Star. Music was furnished by Cal Shrum's Gang and Matty Malneck and his orchestra.

Jack Townley and Val Burton, in writing the original screenplay, provided Associate Producer and Director Gus Meins with great opportunities to let comedy have full sway. The script was an ideal piece of writing for the type of farce this is. It combines slapstick, burlesque, and dialogue and situation comedy into one the most carefree entertainment items to come out of Hollywood in a long while.

Running time, 71 minutes. "G."* VANCE KING

"One Man's Law"

(Republic)

This is a variation of a story often repeated in outdoor action screen fare, that of a roving cowboy ridding a community of unlawful elements.

George Sherman shows expert direction in keeping the production true to Western tradition. Fisticuffs and pistol battles come in rapid fire succession.

The hero is Don "Red" Barry, who is heralded by his associate, Dub Taylor, as being a ruthless killer, and finds himself unwelcome with residents of Trailcross. He soon wins their favor, however, as the result of a fight in which he runs a gangster out of town. Thereupon, commissioned by the townsfolk, Barry undertakes to restore peace, and by so doing have a railroad run through. His efforts eventually prove successful, and prosperity comes to the town.

Janet Waldo is featured with George Cleveland, Edmund Cobb and Dick Elliott in support.

Running time, 57 minutes. "G."*

**"G" denotes general classification.*

Drive for Brazilian Production Failure

WASHINGTON, July 8.—Efforts of the Brazilian Government to foster a domestic motion picture producing industry have so far proved unsuccessful, the Department of Commerce has been advised in a report from the office of the American commercial attache at Rio de Janeiro.

According to reliable information, the report stated, the local motion picture studios and laboratories making shorts represented an investment of approximately $1,118,000, but at the present time the total value of the Brazilian industry, centered in Rio de Janeiro, amounts to only $150,000.

The commercial attache also reported that the single studio located in Sao Paulo has been closed.

Globe Completes Coin Machine Shorts

HOLLYWOOD, July 8.—First group of short subjects for coin-operated automatic projection machines will be completed this week by James Roosevelt's Globe Productions. With Henry Henigson as production chief, Globe has completed eight subjects for Mills Novelty Co. machines. Henigson says production of the films is now geared to about 400 machines weekly.

Club Charity Drive Begun in Pittsburgh

PITTSBURGH, July 8.—The local Variety Club is attempting to raise $75,000 for its various charities this year, including the milk fund and Camp O'Connell, vacation spot for poor families.

The big charity event will be "Turtle Day," in September, when 250 turtles, each "bought" for $10, will compete. John H. Harris, national chief barker, is general chairman; Harry Kalmine is in charge of turtle distribution, and C. C. Kellenberg is "Keeper of the Turtles."

Wehrenberg Closing 2

ST. LOUIS, July 8.—Fred Wehrenberg, co-owner of 25 neighborhood houses, has closed the Dakota and is preparing to close the Normandy because of a wage dispute with the operators' union, Local 143, and poor business. He plans to close the rest of the theatres by mid-July.

Korda Sets Leigh Film

HOLLYWOOD, July 8.—"Woman Hunt," based on a novel by Mary Webb, is scheduled as Alexander Korda's next film for Vivien Leigh. Korda has a commitment with Miss Leigh for one film a year, which he retained when he sold his contract with her to Selznick International.

'Favorite' Is Strong in L.A. With $33,000

LOS ANGELES, July 8.—"My Favorite Wife" and "Ski Patrol" scored $17,000 at the Pantages and, with "Enemy Agent," took $16,000 at the Hillstreet, for a total of $33,000. "The Ghost Breakers" was good for $21,000 at the Paramount.

Estimated takings for the week ending July 3:

"All This, and Heaven Too" (W. B.)
CARTHAY CIRCLE—(1,518) (75c-$1.50) 7 days, 3rd week. Gross: $13,800. (Average, $17,000)

"New Moon" (M-G-M)
"Phantom Raiders" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days, Gross: $13,400. (Average, $12,500)

"Our Town" (U. A.)
4 STAR—(900) (40c-55c) 7 days, 2nd week. Gross: $4,600. (Average, $3,250)

"My Favorite Wife" (RKO)
"Enemy Agent" (Univ.)
HILLSTREET—(2,700) (30c-65c) 6 days. Gross: $16,000. (Average, $6,500)

"New Moon" (M-G-M)
"Phantom Raiders" (M-G-M)
LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: $16,300. (Average, $14,000)

"My Favorite Wife" (RKO)
"Ski Patrol" (Univ.)
PANTAGES—(3,000) (30c-65c) 6 days. Gross: $17,000. (Average, $7,000)

"The Ghost Breakers" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Matty Malneck and his orchestra. Gross: $21,000. (Average, $18,000)

"Brother Orchid" (W. B.)
"Sandy Is a Lady" (Univ.)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days, 2nd week. Gross: $7,600. (Average, $14,000)

"Brother Orchid" (W. B.)
"Sandy Is a Lady" (Univ.)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days, 2nd week. Gross: $7,600. (Average, $12,000)

'New Moon' $10,200 Is Milwaukee High

MILWAUKEE, July 8.—The National Education Association convention helped swell the box-office. "New Moon" and "Florian" took $10,200 at Fox's Wisconsin.

Estimated takings for the week ending July 4-5:

"Your'e Not So Tough" (Univ.)
RIVERSIDE—(2,700) (28c-33c-44c) 7 days. Stage: Major Bowes' unit. Gross: $8,500. (Average, $6,500)

"The Mortal Storm" (M-G-M)
"I Was An Adventuress" (20th-Fox)
STRAND—(1,400) (30c-40c-55c, including tax) 7 days. Gross: $2,000. (Average, $1,500)

"Our Town" (U. A.)
"Flight Angels" (F. N.)
WARNER—(2,400) (30c-40c-55c, including tax) 7 days. Gross: $9,000. (Average, $4,500)

"New Moon" (M-G-M)
"Florian" (M-G-M)
WISCONSIN—(3,200) (30c-40c-55c, including tax) 7 days. Gross: $10,200. (Average, $5,500)

"Lost Horizon" (U.A.)
"The Awful Truth" (Col.)
"Andy Hardy Meets Debutante" (M-G-M)
"Four Sons" (20th-Fox)
PALACE—(2,400) (30c-40c-55c, including tax) 3-7 days, respectively. Gross: $8,000. (Average, $4,000)

Start B. C. Commercial

VANCOUVER, B. C., July 8.—An early start is expected on production of an industrial film jointly sponsored by the Vancouver Board of Trade, B. C. Products Bureau, and the department of trade and industry of the British Columbia Government. It is to be an educational film.

"Upon reading Motion Picture Herald"

▪ ▪ ▪ "LIKE MANY THEATRES, I NEVER KNOW JUST WHAT ISSUE OF THE VARIOUS NEWSREELS I AM ABOUT TO RECEIVE.

UPON READING MOTION PICTURE HERALD I NOTICED THAT ONE ISSUE OF THE PARAMOUNT NEWS CARRIED THE FIRST ACTUAL WAR SHOTS. I WATCHED FOR IT HAVING MY OPERATOR RUN THEM OFF FOR ME UPON ARRIVAL.

AS SOON AS THE RIGHT ISSUE CAME IN I HAD MY LOCAL PRINTER RUN OFF A DATE LINE ON SPECIAL FLIERS WHICH HAD BEEN PREVIOUSLY PRINTED.

BY NOON OF THE SAME DAY, THESE WERE DISTRIBUTED OVER TOWN IN EVERY HOUSE AND STORE. AND DID IT SHOW AT THE B.O. THAT NIGHT!" ▪ ▪ ▪

BOB COX

PARK THEATRE
DEXTER, MAINE

MOTION PICTURE HERALD, $5.00 *a year Domestic;* $10.00 *Foreign; 52 issues with which is combined* BETTER THEATRES, 13 *issues yearly.*

MOTION PICTURE HERALD

ROCKEFELLER CENTER NEW YORK

U. S. Air Plans Avoid Control Or Operation

WASHINGTON, July 8.—Issuance by President Roosevelt of a proclamation setting up a coordinating body for communications as part of the national defense program may be expected in the near future, it was indicated in Government circles today, but the proclamation will involve neither Government operation nor supervision of broadcasting.

Assurances that there will be no interference with the normal activities of broadcasters were given today by FCC Chairman James L. Fly who asserted that there is not only any need for Government operation but that "the Government is not qualified to take over broadcasting."

No Cause for Alarm, Says Fly

While refusing to make public any of the details of the proposed plan, Fly indicated that broadcasting, as in the past, will be used as a medium by which the Government can reach all the people, with little or no interference in radio's general activities.

"There is no occasion now, and I hope there never will be, for the industry to be alarmed," Fly said. He explained that committees representing broadcasting as well as other communications will be set up but the program "will leave private operations in private hands, as at present."

Operations to Be Unimpeded

"It would be very unfortunate if the commercial operations of the broadcasters were at all influenced. There is no reason why the commercial operations should not go on absolutely unimpeded. Should we get into a war there are some things the Government would do but I should think they would be particular things rather than any action of sweeping character affecting the broadcasting industry," Fly said.

The vacation schedule of the FCC is being studied to permit one official to be on hand at all times during Summer months. The calendar is being revamped to permit immediate consideration of any problem which arises from the defense program. It is also planned to dispose of as many applications as possible during the next two months to prevent any accumulation in the Fall.

Two More Louisiana Film Bills Withdrawn

NEW ORLEANS, July 8.—Two more bills of an original dozen directed at the film industry have been withdrawn in the Louisiana House. Representative Wilbur McCain has withdrawn his bill which proposed an amusement tax beginning at 12 cents with a levy of 10 cents on the dollar and an additional one cent for each added 25 cents above $1. Representative Soileau withdrew a measure which would have permitted the governor immediately to name an active censor board of three members and impose a tax for inspection. This board was created by Huey Long several years ago but never was made active.

Off the Antenna

A COAST-to-coast hookup of stations in the NBC, CBS and MBS networks, as well as many independent stations, will feature the Broadcast Day activities at the New York and San Francisco World Fairs August 3. Neville Miller, National Association of Broadcasters president, will be heard as will a large number of radio entertainers. Harvey D. Gibson, chairman of the board of the New York Fair, and Marshall Dill, president of the San Francisco exposition, will pay tribute to the radio industry during the broadcast.

A plaque will be unveiled at each Fair dedicated to the industry with its theme a quotation from Walt Whitman:

"The liberties of the people are safe as long as there are tongues to speak and ears to hear."

• • •

Hire a Hall: WMCA will inaugurate a new program next Monday at 7 P.M. for persons with pet prejudices. At the rate of $3 per minute, any person who desires to air his views will be permitted to do so. There will be extra charges for music, if desired, and severe penalties for overtime. All proceeds will go to the American Red Cross.

• • •

Purely Personal: *Osa Johnson, who has just completed "I Married Adventure" for Columbia Pictures, will be heard as guest on "Information Please" over NBC-Blue tonight. . . . Harry David Fields, producer, has returned to the Coast after a three-week visit here. . . . Johnny Green will be honored at the World's Fair tomorrow with the day designated "Johnny Green Day." . . . Virginia Bruce, Lynn Overman and Eddie Albert will be guests on the "Kraft Music Hall" this Thursday over NBC-Red.*

• • •

WOR yesterday announced the remodeling of its studio number one, the largest, for high fidelity FM broadcasting. The studio will have a flat frequency response of 30,000-15,000 cycles with a total harmonic distortion of less than one-half per cent, according to J. R. Poppele, chief engineer. It will be opened later this month when the new FM transmitter at 444 Madison Avenue goes into action.

Application Is Filed For Jersey Station

WASHINGTON, July 8.—Application for a construction permit for a new 1,210-kilocycle station with 100 watts power night, 250 watts day, to be synchronized with its WSNJ, has been filed with the Federal Communications Commission by the Eastern States Broadcasting Corp., Bridgeton, N. J.

Applications were also filed by WSAM, Sagnaw, Mich., for increase of night power from 100 to 250 watts, and WMBG, Richmond, for increase of night power from 1,000 to 5,000 watts.

Acting on a number of applications, the commission has authorized Stations WFLA, Tampa, Fla., to increase night power from 1,000 to 5,000 watts; KWFT, Wichita Falls, Tex., to increase power from 250 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day; WSUN, St. Petersburg, Fla., and KQW, San Jose, Cal., to increase night power from 1,000 to 5,000 watts; WGCM, Gulfport, Miss.; WKOK, Sunbury, Pa., and KIUP, Durango, Colo., to increase night power from 100 to 250 watts, and WIBG, Glenside, Pa., to increase power from 100 to 1,000 watts.

Columbus Exhibitors Facing Difficult Time

COLUMBUS, O., July 8.—In addition to experiencing the usual outdoor competition prevalent at this season, and wrestling with state and Federal tax problems, exhibitors here are confronted with potential additional decline in revenue by the city's exchequer being depleted.

There are no funds available with which to meet payrolls of fire and police departments and other public safety and welfare agencies, and these employes are functioning without pay. Financially, from the exhibitors' standpoint, the situation may become still more serious by a tax on utilities.

Union Transfers 75 St. Louis Operators

ST. LOUIS, July 8.—Executives of Local 143 have completed the transfer of 75 operators in the deluxe houses operated by Fanchon & Marco and the neighborhood theatres of the St. Louis Amusement Co. operated by F. & M. under contract, and the move restores to better paying positions operators who had been shifted by F. & M. The transfer of the older men into the lower paying jobs prior to Aug. 31, 1939, without the sanction or consent of Local No. 143 was one of the reasons that led to the wholesale picketings last Winter.

Recently the local obtained a new three-year wage contract which provides for a salary increase each year and the latest move clears up the muddle that existed before the contract was signed.

500 Features Are Being Shown at Fair

Approximately 500 motion pictures of all types and lengths are being shown at the World's Fair, according to a survey completed by the Motion Picture Department, headed by Claude R. Collins.

The total of features being shown is somewhat less than last year. Of the current list, 368 are being shown in foreign pavilions, of which 321 are 35 mm. sound films. In the various state buildings, 28 films are being shown, all 16 mm.

Condemn 'Wives' Ban

The National Council on Freedom from Censorship, organized by the American Civil Liberties Union, has gone on record condemning the action of the New York State Board of Censors in banning "The Merry Wives," Czechozlovakian film, distributed by Edgar E. Lloyd.

Further Inquiry Shows No Protest On Federal Levy

FURTHER reports from the field on box-office reaction to the new Federal defense tax follow:

LEWISTOWN, PA., July 8.—Paul O. Klingler, manager of the Rialto here, reports that there have been no objections to the new Federal admission tax. The house has reduced the [illegible] cent top on stage shows to 36 cents, so that the total with the four-cent tax passed on, amounts to 40 cents. The regular price is 30 cents, to which is added the three-cent tax.

No Spokane Objections

SPOKANE, WASH., July 8.—There have been no adverse reactions to the new Federal admission tax, exhibitors report.

"None whatever," replied Joseph J. Rosenfield, city manager of the Evergreen circuit, when asked if the public has shown any reluctance to paying the tax.

Minneapolis Pays Willingly

MINNEAPOLIS, July 8. — Theatre managers report that the higher amusement taxes, which have been passed along to patrons by all theatres in this area, have been paid by the public without protest.

Little Comment in Seattle

SEATTLE, July 8.—The first few days of increased admission rates at local theatres, as a result of the new Federal tax, has failed to arouse much comment on the part of audiences. The boosted prices are accepted by the public as a "necessary evil' and there is no indication that business will slow down.

Frisco Passes Tax On

SAN FRANCISCO, July 8.—With one exception, all local theatres have added 10 per cent to admission charges, under the new amusement tax law, regardless of whether the total makes even change. The lone exception is the United Artists, which absorbed the tax in the 35 and 40 cent prices, and reduced the evening top price from 55 to 50 cents.

Detroiters Pay Willingly

DETROIT, July 8.—Local film patrons have voiced little or no objection to the payment of the "defense tax" on their admission fee, theatre managers report. The added tax has not hurt business, a survey disclosed.

Tax Collections at New High in Mississippi

JACKSON, MISS.—July 8. — Collections on the amusement tax in Mississippi during the first half of 1940 set a new peak for a like period since the levy was started about four years ago. The total was $223,087 against $207,409 during same period of 1939. Total tax collections in the state during the same period also set a new peak at $6,932,688, according to the report by the State Tax Commission.

Brian Donlevy on Tour

HOLLYWOOD, July 8.—Brian Donlevy this week starts a three-week personal appearance tour of key cities to exploit "The Great McGinty," in which he stars for Paramount. The tour is part of Paramount's selling program.

FILE CO
DO NOT RE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 7 NEW YORK, U. S. A., WEDNESDAY, JULY 10, 1940 TEN CENTS

'We Need No Help on Suit', Declares U.S.

Answers Exhibitors' Plea For Voice in Decree

WASHINGTON, July 9.—"We don't need outside advice," spokesmen for the Department of Justice let it be known today in discussing a request of the Pacific Coast Conference of Independent Theatre Owners for a voice in drafting the consent decree in the New York anti-trust suit.

Department of Justice officials let it be known also that they felt any such request as put forward by the P.C.C.I.T.O. came rather late, in view of the fact that negotiations for an out-of-court settlement of the suit have been on for some time.

Beyond this, officials refused to comment on the Coast theatre owners' action.

It was indicated by them, however, that the Department of Justice representatives who are handling the New York case are considered as knowing what the Government wants in the way of an agreement and that the negotiations are closed to outsiders.

Insofar as Allied States is concerned, the Department officials indicated not so long ago that since Allied has instigated the suit, it was entitled to say whether the proposed out-of-court settlement would be a satisfactory remedy for the conditions complained of.

Otherwise, officials stated that they

(*Continued on page* 4)

Lytell Denies Reds Dominant in Equity

A blanket denial that either the Actors Equity council or membership is dominated by Communists was issued yesterday by Bert Lytell, president, in reply to charges made Monday by Congressman William P. Lambertson. Lytell asked Lambertson to submit satisfactory proof or the sources of his information.

Lytell declared that each of the accused councillors, Philip Loeb, Emily Marsh, Hiram Sherman, LeRoy MacLean, Edith Van Cleve and Alan Hewitt, "has either in writing or personally to the council denied membership in, or affiliation to, the Communist party."

The "one big union" report submitted by Bernard Reis, accountant, will be studied at a special meeting of the council on July 19.

Reels Deny Willkie Is Overemphasized

The statement of Col. H. A. Cole, president of Allied States, that newsreels are overemphasizing the candidacy of Wendell Willkie for President with ulterior motives connected with the anti-trust suits against the industry, brought sharp retort yesterday from newsreel heads.

The major parties always receive an even break in the newsreels during campaigns, and this year will be no exception, officials said.

PRICE CUT COSTS ORIENTAL A FILM

RKO Cancels Booking at Chicago House; Shift Will Affect Availability

CHICAGO, July 9.—"Tom Brown's School Days," scheduled to open at the Oriental Theatre, has been cancelled by RKO, due to a lower price policy at the Jones, Linick & Schaefer first-run house. It is possible that, unless the Oriental abandons the lower price, it will not get first runs for Loop showing. This would alter the availability of films in the Loop and have a definite effect on clearance and zoning throughout Chicago.

The RKO picture was booked at a 65-cent admission in accordance with the contract. The Oriental has lowered its price to 40 cents, however, and this will accordingly affect all first-run bookings for this theatre because the 40-cent scale is lower than at some neighborhoods.

Showmen here feel that the RKO cancellation portends the same action by other companies in similar situations here and elsewhere.

[*In New York last night it was said that this is the first action of its kind by a major distributor since the Federal defense admission tax went into effect.*]

Canada Taxes Up, Business Holding Own: Nathanson

Film business in Canada is holding up reasonably well, but the Government is taking a good deal more of the industry's income in the form of taxes than ever before, N. L. Nathanson, head of Famous Players Canadian, here for a week on business, said yesterday.

Canadian motion picture corporations, as do all others in the Dominion, pay approximately 35 per cent of their annual earnings to the Government in the form of Federal and Provincial income taxes, Nathanson estimated. The war situation has had some effect on grosses in certain situations, but on the whole has not been a serious threat to theatre receipts, he said.

He characterized the gigantic war benefit scheduled for next Monday in the Dominion's theatres as the biggest thing undertaken by the film industry in any country. The Famous Players chief, who is general chairman of the drive, said that it is expected approximately $1,000,000 will be raised to further Canada's war effort. The entire evening's performance, beginning at 8:30, in about 900 Canadian theatres, will be devoted to the benefit affair.

Never before in the history of the Canadian industry, Nathanson declared, has there been such a harmonius effort on the part of all phases of the industry to work out industry problems as is being attempted today. He referred to the organization of a new clearance structure for the industry. Representatives have been named for a National Clearance Board by the independent exhibitors, circuits and exchanges. Nathanson expressed the belief that the new clearance setup will prove practicable and efficient in operation.

Facilities are not yet sufficient in Canada to make large scale production a practicable venture, Nathanson said.

IMPERFECT DECREE BETTER THAN SUIT: KUYKENDALL

"Even a faulty and imperfect consent decree may be better than trying this suit," Ed Kuykendall, M.P.T.O.A. president, declared yesterday in an organizational bulletin, with reference to the current efforts to settle the Government anti-trust suit here.

The suit, Kuykendall continued, "will take at least two years, burden the industry with enormous unproductive legal expense, disrupt the business, hold up all progress in solving trade practice problems until it is decided, then likely settle nothing of any importance to the rank and file of exhibitors when the final decision is ultimately reached."

Referring to the present negotiations among attorneys for the defense and the Government, Kuykendall said, "Nobody knows, not even the lawyers involved, what sort of specific proposals will come out of these negotiations, if anything."

New Admission 'Spot' Expected in Kansas City

KANSAS CITY, July 9.—Several suburban theatres here with 25-cent scales are expected within the next week or so to start absorbing the defense tax of three cents rather than passing it on as they have been doing.

This will create a new admission "spot" between the untaxed 20-cent houses and the 28-cent houses. Since there now exists a four-week clearance between the 25-cent (28 cents with tax) house and the 20-cent houses, exchanges are expected to meet the new situation, when and if it develops, by setting the 22-cent (25 cents with tax) houses two weeks back of 25 cents (28 cents with tax), and the 20-cent houses two weeks back of the 22-cent spot. The new admission of 22 cents would split the clearance now existing between 20- and 25-cent houses.

The admission situation continues

(*Continued on page* 4)

'Syracuse', 'U' Film, To Play Paramount

"The Boys from Syracuse," Universal picture, will open at the Paramount on Broadway July 31. This is the first film other than a Paramount picture to play the theatre in three and a half years. The world premiere will be held in Syracuse July 18.

'Qualified, Available'

JOSEPH PATRICK KENNEDY, Ambassador to Great Britain and one-time film company executive, is offered by William Randolph Hearst to the Democratic Party as a candidate for the Presidential nomination. Hearst suggested the nomination in a four-column editorial in his newspapers yesterday under the heading "Qualified—and Available." Hearst calls attention to Kennedy's knowledge of foreign affairs, his expressions against our intervention in the European war, his long business and financial experience.

Republic Names Loy As Manager in Butte

E. M. Loy has been appointed branch manager for Republic in the Butte, Mont., exchange, by James R. Grainger, Republic Pictures' president.

Loy, replacing Robert Boomer, who resigned to take care of theatre interests in Montana, was formerly connected with Paramount and Fox in the Denver and Salt Lake territories.

'Island' Is Released

Warners' "Devil's Island," withdrawn in February, 1939, after protest by the French Consul in Los Angeles, will open Saturday at the Globe. Touching on life in the French penal colony, the film was considered exaggerated, and was withdrawn by Warners rather than offend the French Government.

Personal Mention

ARRIVING on the TWA Stratoliner yesterday on its initial flight from the Coast were: HERMAN WOBBER, 20th Century-Fox sales chief; ALEXANDER KORDA, British producer; BASIL BLECK, assistant to KORDA; BARNEY BRISKIN and GENE ST. CYR of Sol Lesser Productions; LARRY GINZBERG and J. WATSON WEBB also of 20th Century-Fox; NANCY KELLY, BRENDA JOYCE, PAULETTE GODDARD and TYRONE POWER.

•

THOMAS J. CONNORS, Eastern division sales manager for M-G-M, is in Washington.

•

ABRAM F. MYERS, general counsel of Allied States Association, is visiting in Atlanta from his headquarters in Washington.

•

BURT CHAMPION of the United Artists home office publicity department, will leave Friday for a three-week vacation on Long Island.

•

HAROLD BERNSTEIN, owner of the suburban Plaza, Cincinnati, and a director of the I.T.O. of Ohio, has returned from a vacation in Hollywood.

•

TOBY GRUEN, J. J. UNGER, JOHN W. HICKS, JR., JOHN DENIS, IRVING BERLIN and SOL BORNSTEIN lunching at Nick's Hunting Room in the Astor for lunch yesterday.

•

JOSEPH LAMM, chief accountant for Monogram, is in New Hampshire on a two-week vacation.

WALTER AMENT, general manager and editor of Pathe News, is the father of a daughter, weighing nine pounds, born to MRS. AMENT Monday night at New York Hospital. It is the couple's first child.

•

WILLIAM SUSSMAN, Eastern sales manager for 20th Century-Fox, left for Baltimore by plane yesterday to attend the premiere of "Maryland" there today.

•

EDWARD SCHIEBER, assistant treasurer for Monogram, and his bride, the former EVELYN L. ENBERG, have returned from a two-week honeymoon trip.

•

JOSEPH ANCHER, head booker at the Warner Des Moines exchange, is en route here for a two-week vacation, during which time he will be married to HELEN ASHBACH.

•

IDA PETERS, secretary to STANLEY J. MAYER, 20th Century-Fox Des Moines exchange manager, is spending a two-week vacation in the Ozark Mountains.

•

HARRY BRANDT, TED LEWIS, HAL HORNE, JACK GOETZ and MARTIN MOSKOWITZ at Lindy's (51st St.) yesterday for lunch.

•

RUBE JACKTER, WILLIAM MOSES, ABE MONTAGUE, LOU WEINBERG, MILTON BERLE and HARRY COSMAN at Lindy's (next to the Rivoli) for lunch yesterday.

•

J. ROBERT RUBIN, CHARLES SONIN, CHARLES CASANAVE, HAROLD ORLOB, JOHN D. HERTZ, JR., VICTOR PAYNE JENNINGS and SIDNEY PHILLIPS lunching at Sardi's yesterday.

•

KARL KARSTAD of the Lyceum, Redby, Minn., is a World's Fair visitor.

•

JOSEPH BEAN of the Durfee, Fall River, Mass., is in town.

•

LLOYD LIND, head of the contract department at Monogram's home office, is vacationing at Westport, L. I.

•

JACK PEGLER, SAM SPRING, OSCAR A. DOOB, ERNEST EMERLING, MAURICE BERGMAN, WILLIAM BARNETT, CHARLES BONN, MACK LITTMAN, PAUL BENJAMIN and WILLIAM FITELSON at the Tavern for lunch yesterday.

•

MAX SILVERWATCH of Warner's Strand, Waverly, Mass., and MRS. SILVERWATCH were visitors here this week.

•

MR. and MRS. SAM ABERMAN observed their eighth wedding anniversary yesterday.

Crandall, Stein Signed

Milton Crandall and Ed Stein have been employed by Jules Levey to handle special publicity on temporary assignment for "The Boys from Syracuse," produced for Universal release.

Yorke's Mother Dies

HOLLYWOOD, July 9.—Mrs. Amelia Yorke, 80, mother of Gabe Yorke, died last night at her home here. The body will be shipped to New York for services.

Newsreel Parade

BRITAIN'S preparedness for the Nazi blitzkrieg and children refugees arriving here to escape the expected invasion are stories of importance in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 87—French refugees in Spain. Australian and Canadian troops in England. Churchill at Robish naval base. Children arrive from [illegible]land. Governor Lehman speaks at Pla[illegible]burg. Willkie meets McNary. Miniature airplane contest in Chicago. A. A. U. swim meet in California. Fold-boat contest in Maine. Lew Lehr.

NEWS OF THE DAY, No. 285—Churchill discusses invasion. King George decorates air heroes. British children arrive here. Willkie and McNary meet. Forest fire in the Northwest. "Immortal" baby has a birthday. Fold-boating on Maine river. Fins aid swimmers. A. A. U. meet.

PARAMOUNT NEWS, No. 90—Forest fires in Oregon. Sonja Henie weds Dan Topping. Model airplane championships. Bombing at World's Fair. Farley learns Roosevelt's plans. Wheeler discusses third term. Willkie in Washington. Canada prepares for invasion.

RKO PATHE NEWS, No. 102—England set for raids. English children arrive here. Willkie meets McNary. Business men pay for army training. Ship sinks in New York Harbor. Borden's cow gets screen test. Swim meet in California.

UNIVERSAL NEWSREEL, No. 891—England prepares for invasion. Italian warship launched. Willkie with campaigners. Roosevelt donates library to U. S. Ship burns at New York pier. Red Cross working overtime, Deanna Durbin appeals for funds. Aliens take citizenship oath. Model airplane meet. Swimmers use fins. English children arrive here and in Canada. Swim meet in California.

Ohio Censor Cuts Near Record Low

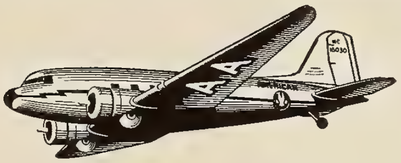
COLUMBUS, July 9. — Except for July, 1938, the 406 reels reviewed by the Ohio censors in June constituted the smallest number in any one month since January, 1937. There were 20 eliminations ordered in June. Comparatively, there were 615 reels reviewed and 29 eliminations ordered in May, while the June, 1939, figures were 500 reels, 36 eliminations and 12 reels rejected.

M. J. Siegel to Coast

M. J. Siegel, Republic production chief, left for the Coast last night following two weeks of conferences here on new season films. George "Gabby" Hayes, Republic player, accompanied him.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square. London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



CALIFORNIA
TEXAS ★ ARIZONA

4 FLAGSHIPS DAILY COAST-TO-COAST

★ It's a delightfully cool overnight skysleeper trip to Los Angeles via American's Southern All-Year Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAvemeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES
The Sun Country Special 7:05 am
The Plainsman . . . 4:25 pm
The Mercury . . . . 5:10 pm
The Southerner . . . 10:15 pm
(*Standard Time*)
Twice Daily to
MEXICO CITY

AMERICAN AIRLINES *Inc.*
ROUTE OF THE FLAGSHIPS

THE NEATEST TRICK OF THE WEEK!

(it's better than the old Indian Rope Marvel!)

2 RECORD-BREAKING M-G-M HITS IN A ROW!

(it's an old M-G-M custom!)

"NEW MOON" HELD OVER!

(topping mid-winter highs in mid-summer heat!)

"ANDY HARDY MEETS DEB" SOCKO!

(registering biggest grosses in several years and holding over!)

MORE BIG ONES COMING!

("Pride and Prejudice" booked into Radio City Music Hall. "Boom Town" sensational! It's another M-G-M Summer!)

Foresee U. S. Firms Using Money Quota

LONDON, July 9.—New British Government defense regulations, to be issued tomorrow, will institute the monetary quota to be used optionally by distributors as an alternative to the present quota based on footage.

The monetary quota, which is expected to be used by virtually all American distributors here, is expected to result in a sharp decline in the production expenditures here by foreign companies.

British support is assured for the monetary quota by reason of the inclusion of a clause requiring all quota product to have a minimum of £1 per foot of British labor cost. Under the monetary quota, all films must pass the quality and other requirements called for in the existing Films Act.

For every 100,000 feet of film registered the distributor must acquire one film, of at least 7,000 feet, fulfilling the cost requirements and other distributor's quota stipulations.

Under the present system, a distributor registering 300,000 feet of film must acquire a minimum of 90,000 feet in six double-quota features at a labor cost of £102,000. The new plan reduces the figure to three films at a British labor cost of £135,000.

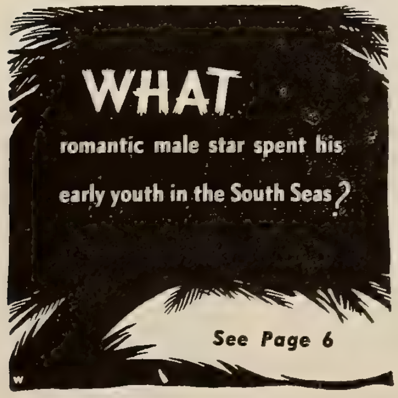
Films made here and acquired for sale abroad will be accorded extra quota credit.

The Board of Trade has instituted an insurance plan under which producers will be protected against losses which result directly from enemy attack.

The Board of Trade and the Ministry of Information may admit certain films, presumably of propaganda value, which may otherwise be unqualified under the distributor quota. If the new quota arrangements result in too sharp a decline in the total number of films available in this country, the Board of Trade may consider an emergency reduction in the quota percentages.

The new measure is retroactive to April 1. The period in which bookings may be made abroad has been extended from the present six months to 12 months.

It is unofficially understood that the Treasury Department has a plan under consideration by which special credit will be given on American funds frozen in this country which are used for investment in British production.


WHAT
romantic male star spent his
early youth in the South Seas?
See Page 6

Price Cut Costs Oriental Film, Clearance Shift Seen

(Continued from page 1)

in a state of doubt. There have been a few increases of a nickel to cover tax, a few decreases to escape its application. Most exhibitors, including circuits, are watching the situation realistically. They will continue to pass on the tax until pressure develops in particular situations, when they will, they say, reduce prices to whatever extent necessary.

Canadian Clearance Delayed by War Drive

TORONTO, July 9.—A halt has been called in the organization of a new clearance structure in Canada because the whole industry has combined in its Win-the-War campaign to encourage the sale of war savings stamps in conjunction with a free show in all Canadian theatres next Monday. Film exchanges have made a generous allowance for the use of film at the patriotic performances either in rental rebate for the day or in providing an entirely different program for the occasion.

After a special meeting of the Film Section of the Toronto Board of Trade at which a resolution was unanimously adopted in a move for clearance reform, the independent exhibitors nominated four representatives for the proposed National Clearance Board. The exchanges and circuits were to select two representatives each but the trade's patriotic drive intervened. It is expected that the clearance board will be established in time for the new season.

The nominees of the unaffiliated theatre owners include: Harry Alexander, Hy Freedman, Harry Firestone and N. A. Taylor. Alexander is president of the Independent Theatres Association of Ontario while Firestone and Freedman are past presidents. Taylor is vice-president. Canada is to be divided into six areas with a regional clearance committee for the hearing of local differences and complaints. The National board is to be a court of appeal. It is understood that a complete reorganization of zoning in Toronto and other large cities is contemplated along with a revision of protection schedules.

Cincinnati Foresees No Clearance Change

CINCINNATI, July 9.—It is not believed that any changes in existing clearance and zoning schedules because of the Federal tax will be made here in the immediate future, if at all.

Exchange officials point out that, even though such changes were contemplated, it is too early to formulate definite plans, because of the possible, though hardly probable, revision of prices by some exhibitors who subsequently may find that collection of the tax is having an adverse effect on business. Moreover, exchange men say, admissions have really not been increased, and as long as basic scales remain the same, clearance and zoning setups likely will not be affected.

Collection of the tax is looked upon as a separate item, rather than a price increase, and many exhibitors are making this point in their advertising by indicating the admission prices, and specifying the amount of Federal tax applicable thereto which the patron is to pay.

Change Seen Possible In Philadelphia Area

PHILADELPHIA, July 9.—While none of the film exchanges will admit any plans are even in a formative stage to change clearance and zoning rules for the new season, it is freely admitted that there is a slight possibility that some changes may be made, contingent entirely upon what action the Warner theatre circuit takes in the matter.

Changes, if any, would be primarily in clearances, it being pointed out that some concessions will have to be made to independent exhibitors to forestall a multiplicity of anti-trust suits.

Although a half dozen of such suits were introduced against Warners last year, none reached the court, outside settlements made in favor of the independent exhibitor in the two cases scheduled to be heard. In addition to the cases pending, at least another half dozen exhibitors have signified their intentions of instituting anti-trust action against the circuit. It is believed, thus, that concessions in clearances would forestall much of the contemplated court action. And while changes in zoning rules are hardly expected, it is pointed out that one of the pending anti-trust suits, case of David Milgram, is based on inequality allegations because of a zoning situation.

A further situation that might motivate changes is the fact that the Carman Theatre, which has an anti-trust action pending against Warners, was forced into receivership early in July.

Miami Clearance Remains the Same

MIAMI, July 9.—Survey of Wometco and Paramount circuits and independent houses indicate no change in clearance rules is being contemplated here. The Miami area has no zoning setup.

Acquires French Film

Nat Sanders, president of Leo Films, Inc., has acquired American rights to the French film, "The Brighton Twins," starring Raimu. It will be released in the Fall.

N. Y. and Coast Publicists Merge

The executive council of the Screen Publicists and Advertisers Guild of New York yesterday issued a statement expressing confidence that the objectives of the Eastern unit would be attained, following the unanimous authorization for affiliation by the Screen Publicists Guild on the Coast.

The New York unit henceforth will be known as the Screen Publicists Guild of New York. Delegates will meet in Hollywood next month for a constitutional convention of the national guild.

'We Need No Help on Suit', Declares U.S.

(Continued from page 1)

were always glad to receive the views of persons interested in matters before the department.

The P.C.C.I.T.O. had telegraphed Assistant Attorney General Thur[illegible] Arnold requesting the privilege [illegible] making constructive suggestions and recommendations.

The wire said:

"We have read with great interest present consent decree negotiations based on the Government's New York suit on the motion picture industry. We realize that the consent decree when concluded will naturally result in boards set up in all exchange centers to enforce it. We also realize that conditions affecting exhibitors in different parts of the United States contrast greatly. Our exhibitor organization represents seven states on the Pacific Coast and approximately 1,000 theatres, all of whom are independent. Therefore in event it is decided to request recommendations or consultations with any exhibitor body relative to said consent decree, may we respectfully request the privilege of making constructive suggestions and recommendations. We are making this request because of our vital interest in the protection of our small independent theatre owners. We would greatly appreciate your consideration and early reply."

Lawyers' Wrangle Leaves Status Very Quo

Meantime in New York, after one of the most fiery days of wrangling since settlement negotiations in the Government's anti-trust suit started, Government and defense lawyers emerged yesterday from an all-day session at the Bar Association no nearer a solution than they were a week ago when discussions were recessed over the holiday.

With a full week to study and consolidate their positions, the attorneys started a very heated discussion early yesterday. During the course of the day, the feelings cooled but no agreement was reached on any single point. As one Government lawyer expressed it, "Well, anyway, now we know where everybody stands."

Principal subject under consideration was discrimination, the problem of selling to affiliated and independent theatres. The subject drew heated discussion from both sides.

When MOTION PICTURE DAILY reporters arrived at the Bar Association at 5 o'clock when the meeting adjourned until this morning, they found some of the attorneys hoarse and unable to speak above a whisper. The meeting room was littered with scores of memoranda and private notes. One group of lawyers sat slumped in their chairs around a table enjoying a brief respite before returning to their offices.

U. S. Helps on 'Wings'

HOLLYWOOD, July 9.—The War Department will cooperate with Paramount in making "I Wanted Wings," story of the training of an Air Corps officer. Location shots will be made at Randolph Field, San Antonio, Tex.

'Heaven' Is Frisco Best, Hits $14,000

SAN FRANCISCO, July 9.—"All This and Heaven Too" did $14,000 at roadshow prices at the Warfield. "One Million B.C." drew $8,500 in the second week at the United Artists.

[illegible]imated takings for the week endin[illegible]uly 2-5:

"Pop Always Pays" (RKO)
GOLDEN GATE—(2,850) (35c-40c-55c) 7 days. Stage: vaudeville. Gross: $13,000. (Average, $15,000)

"Private Affairs" (Univ.)
"I Can't Give You Anything But Love, Baby" (Univ.)
ORPHEUM — (2,440) (15c-30c-35c-40c) 7 days. Gross: $7,500. (Average, $8,000)

"New Moon" (M-G-M)
"Gambling on the High Seas" (W. B.)
FOX — (5,000) (15c-30c-35c-40c) 7 days. Gross: $13,500. (Average, $16,000)

"Safari" (Para.)
"I Was An Adventuress" (20th-Fox)
PARAMOUNT — (2,740) (15c-30c-35c-40c) 7 days. Gross: $12,000. (Average, $11,500)

"One Million B.C."' (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $8,500. (Average, $8,000)

"The Ghost Breakers" (Para.)
"Lucky Cisco Kid" (20th-Fox)
ST. FRANCIS—(1,400) (15c-30c-35c-40c) 7 days, 3rd week. Gross: $5,500. (Average, $6,000)

"All This, and Heaven Too" (W. B.)
WARFIELD — (2,680) (55c-75c-$1.10) 7 days. Gross: $14,000. (Average, $12,000)

"The Baker's Wife" (Foreign)
CLAY — (400) (15c-35c-40c) 7 days, 2nd week. Gross: $1,300. (Average, $1,000)

'Earthbound,' Kaye $23,000 in Detroit

DETROIT, July 9. — "Earthbound," with Sammy Kaye's orchestra on the stage, grossed $23,000 at the Fox. The Michigan reported $13,000 with "Susan and God" in a dual.

Estimated takings for the week ending July 4:

"Gangs of Chicago" (Rep.)
"Wagons Westward" (Rep.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)

"Pinocchio" (RKO)
"Torrid Zone" (W. B.)
FISHER—(2,700) (15c-44c) 7 days. Gross: $6,000. (Average, $7,000)

"Earthbound" (20th-Fox)
FOX—(5,000) (15c-55c-65c) 7 days. Sammy Kaye on stage. Gross: $23,000. (Average, $15,000)

"Susan and God" (M-G-M)
"Phantom Raiders" (M-G-M)
MICHIGAN — (4,000) (15c-55c-65c stage show top) 7 days. Gross: $13,000. (Average, $12,000)

"My Favorite Wife" (RKO)
"The Biscuit Eater" (RKO)
PALMS—(2,000) (15c-55c) 7 days. Gross: $7,000. (Average, $7,000)

"The Mortal Storm" (M-G-M)
"Opened By Mistake" (Para.)
UNITED ARTISTS—(2,000) (15c-39c-55c) 7 days. Gross: $7,500. (Average, $10,000)

'Heaven' Garners $6,400, Omaha Top

OMAHA, July 9.—"All This and Heaven Too," single featured at roadshow prices, drew $6,400 at the Brandeis.

Estimated takings for the week ending July 3-4:

"All This and Heaven Too" (W. B.)
BRANDEIS—(1,200) (55c-75c-$1.10) 7 days. Gross: $6,400. (Average, $4,000)

"Brother Orchid" (W. B.)
"The Way of All Flesh" (Para.)
OMAHA—(2,200) (25c-40c) 7 days. Gross: $5,100. (Average, $6,000)

"Safari" Para.)
"Alias The Deacon" (Univ.)
ORPHEUM — (3,000) (25c-40c) 7 days. Gross: $5,700. (Average, $7,200)

Warners to Make Annual Feature on 'Lemp Family'

HOLLYWOOD, July 9.—Warners are planning an annual Lemp family picture. Having announced last week the next in the series would be "Four Mothers," the studio reports that the following picture, to be made next year, will be "Four Families." The six babies to be seen in "Four Mothers" will be shown in the following picture as being a year old. The LANE SISTERS, GALE PAGE and the other "Lemp" regulars will appear in both pictures.

CHRIS-PIN MARTIN and ROBERT LOWERY have been cast in "The Californian," 20th Century-Fox. That studio also placed under contract LAIRD CREGAR, who starred in a local production of "Oscar Wilde." . . . SIGNE HASSO, Swedish film star, has been signed by RKO. . . . LARAINE DAY draws the feminine lead in M-G-M's "Dr. Kildare Goes Home," featuring LIONEL BARRYMORE and LEW AYRES. . . . ALAN MOWBRAY will have a featured role in "Touchdown" at Paramount.

EDWARD H. GRIFFITH, Paramount producer-director, planed to New York over the weekend preparatory to going to Charlottesville to start shooting on Paramount's "Virginia." DON KING, publicity department member, has gone to that city to prepare an extensive campaign. . . . RALPH MORGAN gets the lead in the M-G-M short, "Soak the Old." . . . FAY HOLDEN and DALIES FRANZ have been added to the cast of M-G-M's "Bittersweet." . . . Paramount has set "Love Thy Neighbor" as the title for the FRED ALLEN-JACK BENNY picture. . . . IRVING CUMMINGS is using a most modern streamlined automobile in 20th Century-Fox's "Down Argentine Way." . . . 20th Century-Fox has borrowed LEWIS HOWARD from Universal for "Yesterday's Heroes." . . . R. C. SHERIFF is polishing "Flight Command" at M-G-M.

Warners will co-star JOHN GARFIELD and IDA LUPINO in "East of the River," to be directed by RAOUL WALSH. It will be HARLAN THOMPSON's first Warner production. . . . Columbia has dropped the "Five Little Peppers" series, with the completion of "Five Little Peppers in Trouble." EDITH FELLOWS' contract has not been renewed. . . . JOHN WAYNE has been signed to play opposite MARLENE DIETRICH in Universal' "Seven Sinners," JOE PASTERNAK production. ALFRED DEKKER has been borrowed from Paramount to join the cast.

RKO castings: BORIS KARLOFF, BELA LUGOSI, PETER LORRE to "You'll Find Out," KAY KYSER vehicle; PATRIC KNOWLES to "Anne's House of Dreams"; MARTHA O'DRISCOLL to play opposite TIM HOLT in "Wagon Train" and "Sir Piegan Passes," first of a new western series: JO ANN SAYERS to "No, No, Nanette"; GEORGE BANCROFT and ANN GILLIS to "Little Men." . . . VAN HEFLIN draws a featured role in "Santa Fe Trail," at Warners. . . . LEO CARRILLO joins the cast of M-G-M's "Bad Man of Wyoming." . . . "Meet John Doe" is the new title chosen by FRANK CAPRA for his "The Life of John Doe," which starts shooting this week.

Warners has extended the contract of MARK HELLINGER, associate producer. . . . ZOLTAN KORDA, brought here by his brother ALEXANDER, to direct final scenes for "The Thief of Bagdad," will receive joint associate producer credit with WILLIAM CAMERON MENZIES. . . . JOHN STONE has opened negotiations with JOSE MOJICA, opera star, with the idea of bringing him to Hollywood to appear in a series of English and Spanish language films. . . . RKO has purchased "Murder Will Out," original story by LOU LUSTY, as a vehicle for LEON ERROL. . . . LLOYD NOLAN is set for the lead in "Charter Pilot" at 20th Century-Fox.

Producer ERICH POMMER of RKO has taken a cast headed by CHARLES LAUGHTON and CAROLE LOMBARD into the Napa County vineyard district, 40 miles north of San Francisco, to start filming "They Knew What They Wanted," story of early pioneers who established themselves in that area.

'Heaven' Scores Big $12,000, Providence

PROVIDENCE, July 9.—"All This, and Heaven Too," given advance buildup as a road show and then brought in at regular prices at the Majestic was good for $12,000, but other business was off.

Estimated takings for the week ending July 3-4:

"New Moon" (M-G-M)
LOEW'S STATE—(3,232) (28c-39c-50c) 7 days. Gross: $10,000. (Average, $11,000)

"All This, and Heaven Too" (W. B.)
MAJESTIC—(2,250) (28c-39c-50c) 7 days. Gross: $12,000. (Average, $7,000)

"The Way of All Flesh" (Para.)
"Grandpa Goes to Town" (Rep.)
STRAND—(2,200) (28c-39c-50c) 7 days. Gross: $4,400. (Average, $6,000)

"Carson City Kid" (Rep.)
"The Last Alarm" (Mono.)
FAY'S—(1,800) (15c-28c) 7 days. Gross: $2,800. (Average, $2,500)

"Susan and God" (M-G-M)
"Beyond Tomorrow" (RKO)
CARLTON—(1,526) (28c-39c-50c) 7 days, 2nd week. Gross: $1,250. (Average, $3,500)

"Star Dust" (20th-Fox) (3 days)
"Flight Angels" (W. B.) (3 days)
"Torrid Zone" (W. B.) (4 days)
"One Million B.C." (U. A.) (4 days)
EMPIRE—(20c-28c) 2nd run. Gross: $1,300. (Average, $1,700)

'Ghost Breakers' $13,000, Cincinnati

CINCINNATI, July 9.—"The Ghost Breakers" gave the RKO Palace $13,000, and "New Moon" grossed $14,500 at the RKO Albee. Figures at the other houses were below average. The weather was pleasant.

Estimated takings for the week ending July 3-7:

"New Moon" (M-G-M)
RKO ALBEE—(39c-47c) 7 days. Gross: $14,500. (Average, $12,000)

"The Ghost Breakers" (Para.)
RKO PALACE—(2,700) (39c-47c) 7 days. Gross: $13,000. (Average, $10,000)

"Our Town" (U. A.)
RKO CAPITAL—(2,000) (39c-47c) 7 days, 2nd week. Gross: $3,500. (Average, $6,500)

"21 Days Together" (Col.)
RKO LYRIC — (1,400) (33c-42c) 7 days. Gross: $4,000. (Average, $5,000)

"The Last Alarm" (Mono.)
"Murder in the Air" (W. B.)
RKO FAMILY—(1,000) (15c-28c) 4 days. Gross: $1,400. (Average, $1,500)

"Hot Steel" (Univ.)
"The Big Stampede" (W. B.)
RKO FAMILY—(1,000) (15c-28c) 3 days. Gross: $750. (Average, $900)

"Brother Orchid" (W. B.)
KEITH'S—(1,500) (39c-47c) 7 days, 2nd week. Gross: $3,900. (Average, $6,000)

'Breakers' Is $14,000 Lead In Twin Cities

MINNEAPOLIS, July 9.—Best business in the Twin Cities was done by "Ghost Breakers," which took $8,500 at the State in Minneapolis, and $5,500 at the Paramount in St. Paul.

Estimated takings for the week ending July 4:

Minneapolis:

"Charlie Chan's Cruise" (20th-Fox)
"Fugitive Justice" (W. B.)
ASTER — (900) (15c-25c) 6 days. Gross: $1,800. (Average, $1,800)

"Waterloo Bridge" (M-G-M)
CENTURY—(1,600) (25c-40c) 6 days, 2nd week. Gross: $3,000. (Average, $4,000)

"Those Were the Days" (Para.)
GOPHER — (990) (25c) 5 days. Gross: $1,200. (Average, $2,500)

"The Mortal Storm" (M-G-M)
ORPHEUM — (2,900) (25c-40c) 7 days. Gross: $5,300. (Average, $5,500)

"The Ghost Breakers" (Para.)
STATE—(2,500) (25c-40c) 7 days. Gross: $8,500. (Average, $5,500)

"Over the Moon" (U. A.)
"The Biscuit Eater" (Para.)
WORLD—(400) (25c-55c) "Moon," 4 days, "Eater," 3 days. Gross: $1,500. (Average, $1,600)

St. Paul:

"Earthbound" (20th-Fox)
ORPHEUM — (2,000) (25c-40c) 7 days. Gross: $2,500. (Average, $4,000)

"The Ghost Breakers" (Para.)
PARAMOUNT—(2,500) (25c-40c) 7 days. Gross: $5,000. (Average, $4,000)

"Three Cheers for the Irish" (W. B.)
RIVIERA—(1,000) (25c) 7 days. Gross: $1,500. (Average, $1,800)

"HOT STEEL" (Univ.)
"CURTAIN CALL" (RKO)
TOWER — (1,000) (25c) 7 days. Gross: $1,500. (Average, $1,800)

"Over the Moon" (U. A.)
WORLD—(400) (25c-55c) 7 days. Gross: $1,000. (Average, $1,000)

'Moon' Kansas City Leader with $11,500

KANSAS CITY, July 9. — "New Moon" took $11,500 at the Midland. "All This and Heaven Too" took $8,400 at the Orpheum.

Estimated takings for the week ending July 3-4:

"Flight Angels" (W. B.)
ESQUIRE—(800) (25c-40c) 7 days. Gross: $2,000. (Average, $2,500)

"New Moon" (M-G-M)
MIDLAND — (4,000) (25c-40c) 7 days. Gross: $11,500. (Average, $9,500)

"The Ghost Breakers" (Para.)
NEWMAN—(1,900) (25c-40c) 7 days, 2nd week. Gross: $4,900. (Average, $7,900)

"All This and Heaven Too" (W. B.)
ORPHEUM—(1,500) (55c-75c-$1.12) 7 days. Gross: $8,400.

"Girl in 313" (20th-Fox)
TOWER—(2,200) (30c incl. state and federal tax) 7 days. Stage: Evelyn Brent, with Harry Fox, Gene Fields, 3 Olympic Girls, Jackson & Nedra. Gross: $5,900. (Average, $6,000)

"Flight Angels" (W. B.)
UPTOWN—(2,000) (25c-40c) 7 days. Gross: $2,700. (Average, $3,500)

Bob Hope in Omaha

OMAHA, July 9.—Bob Hope and his radio troupe have been booked for the Orpheum Theatre for a one-day appearance on July 14. Prices will be raised to 55 to 75 cents for the only stage show to play Omaha since early this year.

Five Companies Formed

ALBANY, July 9.—Five companies, all of New York, formed here, include: Prudential Pictures, Inc.; Metsun Amusement Corp.; BSB Film Corp.; W. M. W. Theatres Corp., and Talk-A-Vision, Inc.

Para. Partners Talk U.S. Aid at Chicago Meet

CHICAGO, July 9.—Operating activities, interchange of merchandising and exploitation ideas and a comprehensive plan for close cooperation with the Government's defense plan, the Red Cross and other patriotic agencies were discussed at an all-day meeting of Paramount's Midwestern and Far Western executives and partners at the Drake Hotel here today.

Establishment of a "clearing house" for all patriotic endeavors, drives, short subjects, newsreel shots and special shows to bring about uniform presentation in all Paramount theatres and affiliates was also discussed.

The meeting also gave attention to reaction of patrons to the defense tax on admissions and a new program for the rehabilitation of properties.

Present were Sam Dembow and Leonard Goldenson, jointly in charge of home office theatre operations; Harry L. Royster of the home office; Jules J. Ruben, Balaban & Katz Great States Theatres; A. H. Blank, Ralph Branton and Myron Blank, Tri-States Theatres, Des Moines; Harry L. Nace, Phoenix; Harry David, Salt Lake City; John J. Friedl, Minneapolis, and Tracy Barham, Cincinnati.

'Breakers' Scores $15,500, Pittsburgh

PITTSBURGH, July 9. — "Ghost Breakers" brought $15,500 to Loew's Penn. "Mortal Storm" at the Stanley did $16,000. "My Favorite Wife," in the third week did $7,000 at the Warner.

Estimated takings for the week ending July 3:

"Thanks a Million" (20th-Fox)
"Lucky Cisco Kid" (20th-Fox)
ALVIN — (1,800) (28c-39c-55c) 7 days. Gross: $3,200. (Average, $7,000)
"Ghost Breakers" (Para.)
LOEW'S PENN—(3,400) (28c-39c-55c) 7 days. Gross: $15,500. (Average, $13,000)
"Susan and God" (M-G-M)
RITZ—(800) (28c-44c) 7 days, 2nd week. Gross: $3,000. (Average, $4,000)
"Mortal Storm" (M-G-M)
STANLEY—(3,700) (28c-44c-66c) 7 days. Gross: $16,000. (Average, $18,800)
"My Favorite Wife" (RKO)
WARNER—(2,000) (28c-44c) 7 days, 3rd week. Gross: $7,000. (Average, $4,000)

JON HALL
lived in Tahiti, scored a triumph in "The Hurricane" and now gives a sensational performance in
EDWARD SMALL'S PRODUCTION OF
"SOUTH OF PAGO-PAGO"
RELEASED THRU UNITED ARTISTS

Feature Reviews

"Wagons Westward"

(Republic)

"Wagons Westward" is an ambitious outdoor action film. In the leading roles are such screen personalities as Chester Morris, Ona Munson and Anita Louise. Also prominent in the film are George "Gabby" Hayes and Buck Jones, extremely popular with Western audiences. Guinn "Big Boy" Williams and Douglas Fowley are in minor roles.

In directing the original screenplay of Joseph Moncure March and Harrison Jacobs, Lew Landers has combined effectively the action and dramatic elements of the story. Photography is superior to the average Western. Armand Schaefer was associate producer.

Morris has a dual role, as twin brothers, one, Tom, a hardened murderer, and the other, David, the direct opposite. The two are first seen as boys with the character of each firmly established, Tom ruthlessly killing an Indian while David attempts to prevent him from doing so. The story picks up years later. Tom is an outlaw, David a Government agent. David tricks Tom into arrest and thereon poses as the latter so as to capture other criminals. Miss Munson and Miss Louise, as sisters, provide the love interest.

This is a wholesome and highly entertaining Western film, one that many patrons other than Western fans should enjoy.

Running time, 69 minutes. "G."*

"Sporting Blood"

(M-G-M)

HOLLYWOOD, July 9.—Robert Young, Maureen O'Sullivan and Lewis Stone are the principals in this story of romance and horse racing in Virginia, and are aided primarily by William Gargan and Lynne Carver.

The screenplay by Lawrence Hazard, Albert Mannheimer and Dorothy Yost was written from an original by Grace Norton. It concerns the return to his ancestral home, fallen into disrepute, of a boy scorned by the community because his father had run away 20 years previously with the wife of the leading citizen.

In marrying one of the daughters of the man who had been wronged, the revenge motive gives way to love, and the girl's horse, replacing one injured in a fire, wins a big race and brings reconciliation between the boy and his father-in-law.

Produced by Albert Levoy and directed by S. Sylvan Simon, the picture was well received by the preview night audience.

Running time, 58 minutes. "G."* W. S.

**"G" denotes general classification.*

Roundabout

SIGNE HASSO, Swedish actress, signed recently to a long term contract by George J. Schaefer, RKO president, has started for this country from Sweden by a most circuitous route.

Traveling East, she left Stockholm on July 6, plans to cross Russia and its Siberian outposts, and expects to reach Kobe, Japan, on Aug. 6, from which point she will sail for this country.

Rites for Bates Today

HOLLYWOOD, July 9.—Funeral services for Granville Bates, 58, character actor who died on the eve of starting his best screen role, will be held here tomorrow. Bates, who succumbed to a heart ailment in Hollywood Hospital, had been cast for "Meet John Doe," a Frank Capra picture, at Warners.

Ritter Plans Tour

Tex Ritter, Monogram Western star, plans a personal appearance tour of New York and New England, starting this week and continuing to Aug. 10.

'Moon' at $17,000 Cleveland Smash

CLEVELAND, July 9.—"New Moon," grossing $17,000, gave Loew's State its best since "Rebecca." "The Ghost Breakers" drew a good $6,500 in its second week at the Stillman.

Estimated takings for the week ending July 4:

"Brother Orchid" (W. B.)
ALLEN—(3,000) (33c-39c-47c) 7 days, 2nd week. Gross: $4,000. (Average, $4,000)
"Four Sons" (20th-Fox)
WARNERS' HIPPODROME — (3,800) (33c-39c-47c) 7 days. Gross: $10,000. (Average, $11,000)
"Anne of Windy Poplars" (RKO)
RKO PALACE—(3,100) (33c-39c-47c) 6 days. Gross: $3,000. (Average, 7 days, $9,500)
"New Moon" (M-G-M)
LOEW'S STATE—(3,500) (33c-39c-47c) 7 days. Gross: $17,000. (Average, $11,000)
"The Ghost Breakers" (Para.)
LOEW'S STILLMAN—(1,900) (33c-39c-47c) 7 days, 2nd week. Gross: $6,500. (Average, $4,000)

Douglas, Oberon Signed

HOLLYWOOD, July 9.—Melvyn Douglas and Merle Oberon have been signed by Ernst Lubitsch to star in an adaptation of the Sardou play, "Divorcons," which he will make with Sol Lesser for U. A. release. They have also acquired "Summer Vacation" by Ladislas Fodor.

Loew's Purchase Of 17,067 Boston Shares Reported

WASHINGTON, July 9.—Acquisition by Loew's, Inc., of 17,067 shares of Loew's Boston Theatres common stock, bringing its interest to 117,406 shares, was the largest of a number of film stock transactions reported today by the Securities and Exchange Commission in its first summa[illegible] May.

The next heaviest film transactions of the month were the acquisition of 1,304 shares of Columbia Pictures common stock by Abraham Schneider, treasurer, bringing his holdings to 1,404 shares, and disposition of 1,000 shares of 20th Century-Fox common by Darryl F. Zanuck, vice-president, which reduced his interest to 92,130 shares.

Schneider's Acquisitions

The Columbia stock acquired by Schneider included 504 shares secured through a conversion of an equal number of voting trust certificates, it was reported.

Officers of General Theatres Equipment added to their holdings of capital stock, Earle G. Hines acquiring 500 shares, making his total 1,500; R. B. Larue adding 100 shares for a total of 500, and Edward C. Delafield acquiring 100 shares, his total holdings at the close of the month.

Acquisition of 300 shares of Monogram Pictures common was reported by Thomas P. Loach, vice-president, giving him a total of 700 shares, and acquisition of 800 shares of Paramount Pictures common was reported by Duncan G. Harris, director, who held 1,000 shares at the close of the month.

Blumberg Reduces Holdings

Other transactions reported included the disposition by Robert Daine, officer, New York, of 200 shares of Trans Lux common stock, reducing his holdings to 2,800 shares, and the disposition of 500 Universal Corp. common voting trust certificates by Nathan J. Blumberg, president, reducing his holdings to 13,000, and acquisition of 200 certificates by Preston Davie, director, giving him a total of 2,200 held direct and 26,500 held through the Standard Capital Co.

In a number of transactions in Columbia Broadcasting System Class A stock, Edward Klauber disposed of 4,015 shares, reducing his interest to 1,820 shares; Jacob Paley disposed of 500 shares, reducing his holdings to 18,958 shares; Mefford R. Runyon disposed of 600 shares, reducing his interest to 1,337 shares, and Herbert Bayard Swope transferred 3,000 shares to his Keewaydin Corp. and at the close of the month held 6,780 shares direct and 3,000 shares through the holding company.

Reserves Tax Decision

MORRILTON, Ark., July 9. — The Chancery Court has taken under advisement a demurrer of the city to a complaint filed by Malco Theatres, Inc., owners of the Rialto, against enforcement of two city ordinances, one to limit the number of theatres which one owner may run and the other to levy a tax on circuits in addition to regular license charges.

"Ideas"

▪ ▪ ▪ "WE HERE AT THE STRAND IN GREEN BAY, ANXIOUSLY AWAIT THE ARRIVAL OF MOTION PICTURE HERALD EACH WEEK TO READ AND ASSIMILATE THOSE IDEAS AND SUGGESTIONS WHICH ARE APPLICABLE AND PRACTICAL FOR OUR USE" ▪ ▪ ▪

JOE BAISCH
Manager

STRAND THEATRE
GREEN BAY, WISCONSIN

MOTION PICTURE HERALD, $5.00 *a year Domestic;* $10.00 *Foreign; 52 issues with which is combined* BETTER THEATRES, 13 *issues yearly.*

MOTION PICTURE HERALD

ROCKEFELLER CENTER NEW YORK

Webs Primed On Democratic Meet Coverage

This story will be of interest to theatre men who found radio coverage of the recent Republican convention a competitive problem.

Experience gained at the Republican convention is expected by the three major networks to be a major aid in covering the Chicago convention of the Democratic party which gets under way Monday. The entire staff of commentators who were present in Philadelphia will also be on hand for next week's sessions but engineers, special events and publicity men will be drawn from the mid-Western staffs instead of from New York.

The minute-to-minute schedule which was used successfully for the first convention will be adopted Monday. Preliminary programs have already been aired and the broadcasts will be continued through Sunday.

From Monday until the convention ends, the general CBS coverage plan for the Democratic sessions will be 9:15 to 9:30 A.M.—news from the convention; also at 3:30 to 3:45 P.M.; Bob Trout, 6:00 to 6:05 P.M., Monday, Wednesday and Friday, with other news broadcasts by him to different sections of the country at 11:00 and 11:55 P.M.; Paul Sullivan, 6:30 to 6:45 P.M., and again at 7:15 P.M. and 1:00 A.M.; portions of the 6:45 P.M. "The World Today" programs, and Davis's 8:55 P.M. analysis.

Other broadcasts from the convention include: Monday, July 15, portions of the 10:30 to 11:00 P.M. program; Tuesday and Thursday, July 16 and 18, portion of the 10:15 to 11:00 P.M. program; Tuesday and Thursday, July 16 and 18, Bill Henry in late convention news reports at 1:50 to 1:55 A.M.; Wednesday, July 17, portion of the 10:00 to 11:00 P.M. program; Thursday and Friday, July 18 and 19, two-minute news spots every hour on the hour, from 1:00 to 5:00 P.M., and Friday, July 19, 10:00 to 10:15 P.M.

NBC which scored a beat at the Republican convention in Philadelphia by obtaining the services of John M. Hamilton, then national chairman of the party, as a commentator at the end of each session, will also have James A. Farley, national chairman of the Democratic party, as commentator in Chicago. Each time the convention recesses, Farley will go to the NBC booth to discuss the session.

Mutual's description of the convention will be carried exclusively by a number of leading Chicago hotels, including the Palmer House, Stevens and Bismarck. The programs will be heard over the public address system in the rooms of guests.

Rogatnick to D. of C.

DES MOINES, July 9.—Joseph Rogatnick, booker for the Universal exchange here, has resigned to join the Department of Commerce in Washington. Rogatnick arrives in Washington to assume his new work today.

Off the Antenna

A NOVEL type of program to introduce station personnel to the listening public has been started by Jerry Lansing, staff announcer, at WTRY, Troy. On Friday mornings he broadcasts a quarter-hour of news, gossip and general information concerning the station.

Called "Fanfare," the program features an interview with a performer on a regular show which is heard over the station or one of the directors of the station's specialized activities.

• • •

Purely Personal: *Walter Holmes, WBNX staff announcer, and Harold Miller, WBNX staff engineer, are vacationing in the Smoky Mountains. . . . Burt Lambert, formerly Eastern sales representative for Mutual and with NBC in Philadelphia, has joined the WNEW sales department. . . . Ed Herlihy is substituting for Ralph Edwards on the "Vic and Sade" show during the latter's six-week vacation. . . . Elmer Davis' news show over 88 CBS stations on Tuesdays and Thursdays has been renewed by Gillette Safety Razor Co. for the Summer and Fall. . . . Reinhardt E. Rast and Joseph A. Waldschmitt have joined the WOR engineering staff to specialize in FM broadcasting.*

• • •

Arturo Toscanini and the NBC Symphony Orchestra will conclude their South American tour tonight with a concert at Rio de Janeiro. The concert will be carried by NBC-Blue at 9:30 P.M. Immediately after the concert the group will embark on the Uruguay and are expected to reach New York on July 22.

• • •

Automobile and portable radios have increased Summer radio audiences considerably but a new factor has entered which is expected to increase the audience even more. According to Charley Stookey who conducts "Country Journal" over CBS Saturdays at noon, a number of letters have been received from farmers who advise that they have installed receivers on their tractors and now listen to his broadcasts while in the fields.

• • •

Philco Corp. *has acquired a controlling interest in National Union Radio Corp. for the extended manufacture of radio tubes, it was disclosed yesterday. The acquired company will continue as a separate unit.*

WABC Transmitter Removal Approved

WASHINGTON, July 9.—The Federal Communications Commission has granted authority to WABC, New York, to move its transmitter from Wayne, N. J., to New Rochelle, N. Y.

Central Willamette Broadcasting Co. has asked a construction permit for a 1,210-kilocycle, 250-watt station at Albany, Ore. Applications also were filed by WTIC, Hartford, Conn., for change of frequency from 1,060 to 1,040 kilocycles and extension of time from sharing to unlimited; WGNY, Newburgh, N. Y., for change of frequency from 1,220 to 1,370 kilocycles and extension of time from day to unlimited, and KFDA, Amarillo, Tex., for change of frequency from 1,500 to 1,200 kilocycles.

Southeastern Unit To Meet on July 21

JACKSONVILLE, Fla., July 9.—The Southeastern Theatre Owners Association will hold its annual convention here July 21-23, according to M. C. Moore, president. More than 300 theatre owners and their wives are expected to attend the meeting at the George Washington Hotel.

Although the convention will not officially get under way until Monday, July 22, an opening get-together Dutch supper will be held on the eve of the convention.

Goldwyn in S. E. P.

In the current issue of the *Saturday Evening Post,* out today, Samuel Goldwyn has written an article titled "Hollywood Is Sick," in which current industry problems are discussed.

Metro Buys Mystery

M-G-M acquired film rights to "The Whispering Cup," Crime Club novel.

Houses in Mexican City Ask Tax Relief

MEXICO CITY, July 9.—Pachuca, seat of the world's largest silver mines, 90 miles north of here, will be deprived of its four film houses unless the municipal authorities accept the exhibitors' petition that they suspend enforcement of increased taxes, doubling present imposts. The exhibitors served an ultimatum to the effect that if the tax boost goes into effect they must go out of business because operations cannot be continued at a profit.

The municipal government contends that as the houses are about the best business in the silver town they can well afford to pay more. The exhibitors claim that the new taxes will be the highest of their kind in Mexico.

Iowa Amusement Tax Total Near $300,000

DES MOINES, July 9.—It is estimated that the Iowa State amusement tax will bring in between $280,000 and $300,000 for the fiscal year ended June 30, last, although official figures have not been compiled as yet. The collection for the fiscal year ended June 30, 1939, amounted to $284,438.

The State Treasury Department has announced that special taxes for the fiscal year just ended brought the state more than $57,000,000, a new all time high. Under the amusement tax fall all fairs, carnivals, skating, circuses, plays and film houses.

Bids Out for Conn. Golf

NEW HAVEN, July 9.—Invitations have gone out for the fifth annual film golf tournament, sponsored by the Connecticut M.P.T.O., with Herman M. Levy, executive secretary, in charge. The event will be held Aug. 6 at Racebrook Country Club, Orange.

Musicians Lift Pickup Ban Against NBC

The ban against the remote pickup of dance bands from restaurants, night clubs and hotels enforced by the American Federation of Musicians was lifted against NBC yesterday when KSTP, St. Paul, the NB[illegible]filiate, settled its strike with th[illegible] Paul local of the union. CBS and Mutual, however, which feed WRVA, Richmond, are still unable to pick up outside bands because the latter station has not yet reached any agreement with the Richmond local.

The partial strike against the networks was started June 28 when all bands from remote points were ordered by the union to cease broadcasting for NBC. The strike was extended to CBS on July 1 and against MBS the following day. Commercially sponsored bands and studio units were not affected.

Hearing on Brown Appointment Today

WASHINGTON, July 9.—A third hearing on President Roosevelt's appointment of Thad H. Brown for another term as a member of the Federal Communications Commission will be held tomorrow by the Senate Interstate Commerce Committee.

Brown has had two sessions before the committee at the insistence of Senator Charles W. Tobey, who is fighting the appointment. At both previous hearings, the FCC member has been intensively questioned by the Senator regarding both matters coming before the commission and, at the last hearing, about an alleged brawl a year ago at a New York night club.

Legion Approves Thirteen New Films

The National Legion of Decency for the current week has approved all of 13 new films reviewed and classified, 11 for general patronage and two for adults. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Andy Hardy Meets Debutante," "Crashing Thru," "Danger Ahead," "Dr. Christian Meets the Woman," "Fighting Mad," "The Golden Trail," "Mad Men of Europe," "Murder on the Yukon," "Sky Bandits," "Three Faces West," "Yukon Flight." Class A-2, Unobjectionable for Adults—"I Want a Divorce," "La Marseillaise" (French).

Elisburg Opens House

CHICAGO, July 9.—Herb Elisburg, former executive of Essaness Circuit, has opened his new theatre, the former Sonotone, now called the Studio, in the Loop. All shows will run for two hours, the last beginning at 10 P. M. Prices will be 35 cents to noon, 55 cents to 6 P. M. and 65 cents to closing.

Miss Russell Gets Pact

HOLLYWOOD, July 9.—Rosalind Russell has been signed to a new long-term starring contract by M-G-M.

DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 8 NEW YORK, U. S. A., THURSDAY, JULY 11, 1940 TEN CENTS

British Quota Plan Attacked As Inadequate

Worried Exhibitors See Product Shortage

London, July 10.—The Government's new plans for film legislation, chiefly embracing a monetary quota as alternative to the present quota on a footage basis, met with an unfavorable reaction in the industry here today, mainly because of what was termed the inadequacy of the proposals.

All sections of the trade were sharply critical of the plans, and despite the lack of official statement, the exhibitors are known to be seriously concerned over the possibility of a product shortage, and will discuss the situation at a meeting next week.

The executive council of the Producers Association will meet tomor-

(*Continued on page* 4)

Coast Flashes

HOLLYWOOD, July 10.—Warners today announced its decision to abandon, at least temporarily, its historical short subjects series for a new two-reel series stressing national defense and preparedness, to be made in cooperation with the United States armed forces. Completed are "Young America Flies" and "Passing in Review." Next will be "March On, Marines," a navy subject, and "The Tanks Are Coming." Harry M. Warner is taking a personal interest in the production of these films, as he has with the historical shorts.

•

William F. Rodgers, M-G-M general sales manager, said here today that reports from 25 key cities show that "Andy Hardy Meets Debutante" is outgrossing previous Andy Hardy films and "Babes in Arms."

•

The Paramount studio today signed a revised bargaining contract for office employes with the Intramural Paramount Studio Office Employes Association. In addition to exclusive bargaining, the union receives two-weeks' dismissal pay, credit for holidays, extension of absence leave and two-weeks' vacation for all workers of more than a year's standing. All office workers must become Association members by Sept. 15, according to Carey S. Hall, president.

NBC Will Televise Democratic Convention in RKO Pathe Tieup

In a tieup with RKO Pathe News, NBC television station W2XBS next week will present a 10-minute show of newsreel clips from the Democratic convention in Chicago. Pathe will fly the day's shots to New York and they will be televised the following day, once in the afternoon and repeated in the evening. About 900 feet will be shown each day.

W2XBS covered the entire Republican convention from Philadelphia with the cooperation of the Bell Telephone System. A coaxial cable between New York and Philadelphia made the telecasts possible but no such facilities are available to Chicago. NBC officials are hopeful that similar coverage may be arranged on an experimental basis in the future.

Ban Dual Bills by Contract: Kirsch

Chicago, July 10.—Jack Kirsch, president of Illinois Allied, today offered a possible solution by which producers-distributors may prevent double billing, in connection with Samuel Goldwyn's article in the current *Saturday Evening Post*, "Hollywood Is Sick," in which the producer attacks duals and giveaways.

Approving Goldwyn's article and sentiments, Kirsch pointed out that present season RKO contracts provide that the distributor can restrict the showing of not more than five features as single bills.

Kirsch asks: "If this contract is legal for a maximum of five films, why cannot the distributors increase the restriction to a larger number, thereby insuring single feature programs throughout the entire year?"

Some theatre executives here—in this hotbed of multiple features—indicate extreme displeasure with the Goldwyn article, claiming that it will not benefit the industry.

Oriental Becomes Second Run In Loop

Chicago, July 10.—The 3,200-seat Oriental Theatre in the Loop here has been eliminated as a first run by major companies because of its price reduction to 25 cents matinees and 40 cents evenings, daily and Sundays, from a 65-cent top.

First run Universal and RKO contracts held by the Oriental will revert to the RKO Palace, now closed but expected to reopen July 26 or Aug. 2. The Palace originally had this product. The Oriental will become a "B week" house, as it was previously to booking five RKO films, only three of which were shown. Jones, Linick and Schaefer intend to continue the low Oriental price as long as business warrants.

No price reductions will be made by Balaban & Katz at its first runs or neighborhoods, officials said. The Oriental action in instituting a second price cut in recent weeks, has created a sensation throughout the trade here, and repercussions are expected in the neighborhoods.

Group Named for Red Cross; Blank Heads Para. Services

A committee of theatre men has been named following a meeting at the Hays Office, to prepare tentative plans for a possible special industry Red Cross drive, probably to be held in October.

The committee, which already has begun to study the practicability of such a drive, includes: Joseph Bernhard, Warner Theatres; Harry Brandt, I.T.O.A.; Col. H. A. Cole, Allied States; Leonard Goldenson, Paramount; Ed Kuykendall, M.P.T.O.A.; C. C. Moskowitz, Loew's; Robert H. Poole, Pacific Coast Conference I.T.O.; Spyros Skouras, National Theatres; Leslie E. Thompson, RKO; Walter Vincent, M.P.T.O.A.; Nathan Yamins, Allied States.

Chicago, July 10.—A. H. Blank, head of Tri-States Theatres, today was named chairman of the Patriotic Service Department of Paramount Theatres and affiliated circuits.

All patriotic subjects and features of which Americanism is the theme will clear through Blank's department, as will all Red Cross and similar drive cooperation.

The appointment was made at the meeting here at the Drake Hotel of the Paramount Midwestern and Far Western theatre partners and executives. Earl Hudson and Edward Hyman of Detroit, and Claude Lee of New York were among the theatre executives present at the meeting.

'Freezeout' By Schine Is U. S. Charge

Particulars Bill Cites Alleged Monopoly

Buffalo, July 10.—In the bill of particulars filed by the Government here in its anti-trust suit against the Schine Circuit and major distributors, it is claimed that the circuit has forced out of business John Buchman, Delaware, O., and "attempted" to force out Hubert P. Wallace, Auburn, N. Y.; Reliance Theatres, Inc., Lockport, N. Y.; Emerson W. Long, Mt. Vernon, O., and Carl B. Moore, Van Wert, O.

The Government also states that in instances in which it is claimed that Schine defendants threatened to build a theatre in opposition to another exhibitor relate to Leo Kessel of Lancaster, O., and Emerson W. Long, Van Wert, O.

Theatres which it is claimed Schine constructed in opposition to another exhibitor include the Auburn, Auburn; Riverside, Buffalo; Vernon, Mt. Vernon, O., and the Van Wert, Van Wert, O.

Further details in the bill of par-

(*Continued on page* 5)

Baltimore Acclaims 'Maryland' Premiere

Baltimore, July 10.—Maryland opened its arms in traditional hospitality today for Tyrone Power, Annabella, Brenda Joyce and Nancy Kelly, 20th Century-Fox stars, and Darryl Zanuck's newest color picture, "Maryland." Capacity audiences jammed the 2,600 seats of the New and Centre theatres tonight and gave the picture a huge ovation in its world premiere performances.

For two days Governor Herbert R. O'Connor and state and city officials

(*Continued on page* 4)

Northwest Allied Revises Structure

Minneapolis, July 10.—Reorganization of Allied Theatre Owners of the Northwest, important unit of Allied States, got underway here today at the start of the annual two-day convention of the group at the Nicollet Hotel.

For the first time since the state unit was organized, W. A. (Al)

(*Continued on page* 4)

Congressmen See Nazi Invasion Film

Washington, July 10.—Members of Congress last night secretly saw at the Capitol a film depicting Germany's invasion of the Low Countries.

Their reaction today was chiefly one of resentment and conversation about "warmongers" and the like. It was characterized as "pure propaganda." Invitations carried the name of Representative Ross Collins of Mississippi.

Weber Called in On W.B. Strike Talk

PHILADELPHIA, July 10.—Discussions between the Philadelphia local of the Musicians Union and Warner theatres here have been shifted to Atlantic City to permit Joseph N. Weber, past president of the American Federation of Musicians, to sit in on the session in an advisory capacity.

The date for the meeting will be set by Frank Phelps, Warner labor adviser, and the meeting will also be attended by James C. Petrillo, A.F.M. president, and A. Rex Riccardi, secretary of the Philadelphia local. Weber, who has been ill, now resides in Atlantic City.

'Syracuse' to Open There on Thursday

Joe Penner, Eric Blore, Constance Moore and Peggy Moran will head a Hollywood delegation coming East for the triple world premiere of Universal's "The Boys from Syracuse" at the Paramount, Keith and Eckel Theatres in Syracuse, N. Y., next Thursday.

Mayor Marvin and members of the City Council will act as hosts to the visiting celebrities. From here will go Lorenz Rodgers and Moss Hart, who wrote the original musical comedy, Abbott and Costello and Milton Berle. The opening will be broadcast.

Personal Mention

SIDNEY R. KENT, president of 20th Century-Fox, leaves today for Alexandria Bay.

•

SIR CEDRIC HARDWICKE is due back here tomorrow after a few days in Chicago.

•

Leaving on their annual vacations tomorrow are the following Warner Theatre managers in Connecticut: J. R. SHIELDS, Capitol, Ansonia; R. W. BARRETT, Strand, Woburn; H. CUMMINGS, Warner, Lynn; T. MALLER, Lenox, Hartford; H. CAMPBELL, Central, Hartford.

•

AL BLUMBERG, Long Island and upstate booker for Warners, leaves for Florida tomorrow on a two-week vacation.

•

KENNETH ROCKWELL, manager of the RKO 14th Street, Manhattan, is on vacation in Providence, where he formerly managed the RKO Albee.

•

STEVE and JOHN PANORA of the Willimantic, New Milford and Stafford Springs, Conn., Theatres are at their Summer estate in Niantic.

•

MORRIS JACOBSON of the Strand Amusement circuit in Bridgeport, Conn., is in Detroit for a few days.

•

JAMES BRACKEN of Warner Theatres in New Haven is vacationing in Philadelphia.

•

ROBERT MUNZER, assistant at the College, New Haven, is on a fishing trip at Lake Sabago, Me.

•

HARRY HERSHKER, manager of the Family Theatre, Hazleton, Pa., was honored with a party on his 10th anniversary as manager.

•

FRED LEE, manager of the Capitol, Wilkes-Barre, Pa., was called to Jacksonville, Fla., by the death of his father.

•

JOE E. BROWN arrives from the Coast tomorrow. He will appear in summer stock at Dennis, Mass.

DAVID O. SELZNICK arrives today from the Coast with his family on the TWA Stratoliner and will leave Saturday for Connecticut, where he will spend the Summer.

•

THOMAS COMERFORD, son of the late circuit owner, M. B. COMERFORD, has entered the business, as assistant at the Strand and Hartford, Wilkes-Barre, Pa.

•

LEO BARRETT, owner of the Ashley in Ashley, Pa., has been named a member of the Borough Business Men's Association.

•

ROSITA MORENO, Spanish actress, who arrived from Buenos Aires the early part of the week, leaves for the Coast today.

•

J. E. CAURTER, head of Caurter Theatres, Gallatin, Mo., is in town visiting the Fair.

•

MADELEINE CARROLL arrives from Lisbon today on the *Atlantic Clipper.*

•

MAX WEISFELDT, SEYMOUR POE, BENNY DAVIS and ABE SCHNEIDER lunching at Lindy's (next to the Rivoli) yesterday.

•

AOLPH ZUKOR, BARNEY BALABAN,, JOHN W. HICKS, HERMAN WOBBER, BEN WASHER, AL LEWIS, TOBY GRUEN, JOHN BYRAM, BEN BOYAR, MORT SPRING, DAVE BLUM and WILLIAM MELNIKER at Sardi's yesterday for lunch.

•

HARRY H. BUXBAUM, MAX A. COHEN, JOHN DENIS and MAURICE BERGMAN at Nick's Hunting Room in the Astor for lunch yesterday.

•

CAPT. GEORGE BAYNES, LOU POLLOCK, PAUL BENJAMIN, HARRY THOMAS, FRED MCCONNELL, ED PESKAY, BUDD ROGERS and SAM CITRON at the Tavern for lunch yesterday.

•

HELEN MOURAD, secretary to WALTER READE, is vacationing at Delaware Water Gap, due back on Monday.

•

AL MENDELSON, booker at the 20th Century-Fox New York exchange, leaves tomorrow for a two-week vacation.

•

JEAN MILLER of the Century Circuit accounting department will be married August 10 to SAM ORATZ.

•

MIRIAM MUSSENBAUM of the Century Circuit booking department, bride of HARRY PACK, has returned to her desk following a honeymoon upstate.

Korda Is Keeping British Unit Intact

Alexander Korda is retaining intact his British production organization, Alexander Korda Productions, Ltd., Basil Bleck, his attorney, declared here yesterday. Korda, said Bleck, is "marking time" with respect to his English production plans, waiting for a clarification of the situation in that country.

Bleck indicated that Korda expects to return to England, probably in the early Fall. Meanwhile, his American producing organization, Alexander Korda Films, Inc., plans three pictures for the new season. "The Thief of Bagdad" has been completed, and the next film, to star Vivien Leigh, will go into work about the middle of August. The title, "Womanhunt," has not been decided upon definitely as yet, Bleck said.

Among other properties which Korda is considering are: "Lady in the Dark," "Cyrano de Bergerac," "Jungle Book," "Manon Lescaut," "Greenmantle" and "The Conqueror."

Korda and Bleck will return to Hollywood by plane tomorrow. Vincent Korda, the producer's brother, who arrived two days ago from Montreal, will go to the Coast tomorrow by train, to act as art director for Korda's American company.

Bleck indicated that although Korda has been giving consideration to the possibility of producing in Canada, he is of the opinion that technical facilities thus far are lacking in the Dominion for large scale feature production.

Receiver Appointed For John Barrymore

Federal Judge William Bondy yesterday appointed Samuel A. Miller as ancillary receiver for John Barrymore in proceedings filed on June 5 bv Barrymore in California for an arrangement.

Hearings will be held under the order before Referee Robert P. Stephenson. The petition states Barrymore's property in New York consists of rights to profits of the play "My Dear Children."

Von Zakobiel Dies

MILWAUKEE, July 10.—Richard von Zakobiel, president and manager of the Roxy Theatre here, died today. He is survived by his wife, three brothers and two sisters.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

gossip:
it tells how
pretty girls
t-e-a-s-e-d
men into
marriage!
PRIDE AND
PREJUDICE
(M-G-M hit starring GREER GARSON & LAURENCE OLIVIER)
Coming Soon!

WHAT
Academy Award winner
breathes life into his most
colorful role?
See page 7.

"ALL THIS"

BIGGEST JULY 4TH IN 8-YEAR HISTORY OF RADIO CITY MUSIC HALL!

RIGHT NOW

TOPS 'ROBIN HOOD' FIGURES AT RADIO CITY MUSIC HALL!

FROM WARNERS

HELD FOR 2ND WEEK AT RADIO CITY MUSIC HALL!

THE TIP-OFF
The largest theatre in the land had to double its playing time—triple time won't be enough for you!!

BETTE DAVIS AND CHARLES BOYER

'ALL THIS, AND HEAVEN TOO'

From the story by Rachel Field. With
JEFFREY LYNN • BARBARA O'NEIL
Virginia Weidler • Henry Daniell • Walter Hampden • George Coulouris
An ANATOLE LITVAK Production
Screen Play by Casey Robinson • Music by Max Steiner

LATE FLASH!
PROVIDENCE SETS 3RD WEEK! DENVER THEATRE, DENVER OPENS BIGGER THAN 'OLD MAID' AND '69TH'!! *Whee!*

British Quota Plan Attacked As Inadequate

(*Continued from page 1*)

row for a similar review of the situation. Michael Balcon and Sam Smith have denounced the monetary quota as giving privileges to American companies but no incentive to British producers.

The Association of Cine Technicians met last night, and Elven O'Day, executive, said the organization was keenly disappointed at the tenor of the plans, although it was grateful for the redeeming feature, the requirement that all British labor be used on quota product. He foresees fewer films and a reduction in film employment approximating 22 per cent.

'Empire Film Loophole'

The technicians' group expressed doubt about what was described as the "Empire film loophole." The reference is to the clause in the Government proposals permitting the Board of Trade, acting with the Ministry of Information, to permit the registration for the distributors quota of films made elsewhere in the British Empire except England.

However, it is understood that this is not as broad a privilege as at first appears. Not all films are included, and such Empire films must be submitted to the Government on an individual basis. Only after these films are approved by the Government may they be included in the distributors' quota. It is believed probable that propaganda films will be given preferential consideration, including films made elsewhere in the Empire which would have some value from an Empire propaganda viewpoint.

Quota Films in Canada?

It is considered possible here that American companies may avail themselves of the opportunity by making quota films in Canada, but it is apparent that the regular run of ordinary small budget product thus made would not be permitted by the British Government for registration under the distributors' quota.

[There is no indication here that American companies at present could or would consider production in Canada, since all inquiry into the situation reveals that Canadian technical facilities are inadequate at the present time to handle any sort of large scale feature production.]

A British trade deputation has been called to the Treasury Department tomorrow to hear a Government statement. It is believed the statement may propose an alternative Government tax plan for the industry.

British Production To Start in Canada

OTTAWA, July 10.—First British film to be made here in years will start next Sunday in the Canadian Rockies, Michael Powell, British director, said here today. Powell, who will produce the film, is here to make final arrangements with the Government. Raymond Massey, Elizabeth Bergner and Leslie Howard will be starred.

20th-Fox to Make Seven British Films

London, July 10.—Francis L. Harley, 20th Century-Fox managing director in England today disclosed plans for production of seven British films to cost about $1,500,000.

Max Milder, Warners' chief here, said that all Warner production here will be under the monetary quota, in line with the new ruling that this quota could be used as an alternative to that based on footage.

Plans Big Campaign On 'Thief of Bagdad'

An extensive advertising, publicity and exploitation campaign is planned on "The Thief of Bagdad," Alexander Korda color feature for United Artists release. Licensees manufacturing merchandise tied in with the film have appropriated $325,000 for national advertising, and Korda has appropriated $60,000 for a national magazine campaign on the film, and a $90,000 budget for newspaper advertising and billboards. A trade paper campaign also is included.

Forms Phila. Exchange

PHILADELPHIA, July 10. — Murray F. Beier, former branch head of Preferred Pictures here, has been granted a charter for his Ace Film Exchange, Inc., here. Incorporators, their shares of stock having no par value, are Murray F. Beier, 80 shares; Matilda Miller, 10; and Maurice A. Bank, 10, all of Philadelphia.

Baltimore Acclaims 'Maryland' Premiere

(*Continued from page 1*)

have been showering the visiting celebrities with attention. The welcome activities included a reception at City Hall yesterday by Mayor Howard Jackson; a Paddock dinner given on the Alfred G. Vanderbilt estate, Sagamore Farms, last night, a feature of which was the commissioning of Miss Joyce as honorary Governor of the State; and a trip down Chesapeake Bay today on the Governor's yacht, DuPont, to Annapolis for a state luncheon at the executive mansion where Miss Kelly was named deputy Secretary of State to assist Miss Joyce in her official duties.

The stars made personal appearances at both theatres tonight. Governor O'Connor escorted Miss Joyce. Thousands of Marylanders lined the streets and gave the visitors an enthusiastic welcome. Prominent among them are William Sussman, Eastern division manager, and Charles E. McCarthy, advertising and publicity director, of 20th Century-Fox; District Edgar Moss; Sam Wheeler, Washington branch manager, and Rosa Ponselle, opera star.

The activities were broadcast by Station WFBR.

Korda Examination Delayed to Sept. 16

Examination before trial of Alexander Korda in the New York suit of Samuel Goldwyn and Samuel Goldwyn, Inc., against United Artists was postponed yesterday under an order of Federal Judge William Bondy to September 16. Korda is to be examined as a material witness in the dispute between Goldwyn and United Artists.

Northwest Allied Revises Organization Structure

(*Continued from page 1*)

Steffes, its long-time president, was absent, because of illness. Steffes has asked for a six-months leave of absence to regain his health. E. L. Peaslee, vice-president, is presiding. The convention today ratified a nine-district organization, as proposed by the directors. Directors chosen were Clarence Kaake, Duluth; C. H. Danielson, Mabel; Andy Anderson, Detroit Lakes; William Glaser, Fairibault; R. G. Risch, Appleton; Don Buckley, Redwood Falls; E. L. Peaslee, Stillwater; Sol Lebedoff, Minneapolis, and Hiller Hoffman, St. Paul.

Initial job of the new board will be to elect an executive secretary, with Ben Ashe, present acting secretary, slated for the position, although Sol Lebedoff, Minneapolis exhibitor, and Charles Weiner, former Monogram manager here, are in the running. Ashe formerly was manager of the Berger Amusement Co. circuit. A president and other officers will also be elected.

The principal address of the meeting was by H. M. Richey, director of exhibitor relations for RKO. Richey told the exhibitors that with a 30 per cent drop in foreign revenue the producers will "go broke" unless American theatremen again prove they have talent for showmanship and get more money into the box-office. He said that film quality varies little from year to year, and that films can be sold to the public if the theatre owners really exert themselves in exploiting their shows properly.

Richey declared that George J. Schaefer, RKO president, has contributed greatly to motion picture progress by employing the Gallup Poll organization to make a scientific study to determine what the public wants in films. He said the same scientific approach to exhibitor problems would go a long way toward solving present difficulties. Richey contended that clearance problems, arbitration, block booking, double features, and other problems could be solved through this "scientific approach."

Ashe proposed that the organization support legislation to put bowling alleys under the new Federal defense admission tax, as they are competition to theatres. Other matters discussed were percentage pictures, to which Allied, generally speaking, is opposed; the Neely bill, double features, 16mm. competition, and the Government's anti-trust suits. A demand was made for a one-third or one-fourth reduction in film rentals. There was some discussion of a buying pool for members.

'Ghost,' Hope Boston Smash With $50,000

BOSTON, July 10.—Bob Hope, on the stage of the Metropolitan with his troupe, with his picture "Ghost Breakers" on the screen, drew a smash $50,000. "My Favorite Wife" in [illegible] second week at the Keith Memor[illegible] took $14,000.

Estimated grosses for the week ending July 3:

"Bill of Divorcement" (RKO)
"You're Not So Tough" (Univ.)
KEITH BOSTON — (3,200) (15c-20c-35c-40c) 7 days. Gross: $6,500. (Average, $8,000)

"My Favorite Wife" (RKO)
"Sandy Is a Lady" (Univ.)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $14,000. (Average, $16,000)

"The Ghost Breakers" (Para.)
METROPOLITAN—(4,367) (35c-55c-75c) 7 days. Bob Hope on stage. Gross: $50,000. (Average, $15,500)

"Queen of the Mob" (Para.)
"Women in War" (Rep.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $5,500. (Average, $7,500)

"Queen of the Mob" (Para.)
"Women in War" (Rep.)
FENWAY — (1,320) (25c-35c-40c-55c) 7 days. Gross: $3,400. (Average, $4,500)

"Brother Orchid" (W. B.)
"Our Town" (U. A.)
SCOLLAY — (2,500) (25c-35c-40c-50c) 7 days. Gross: $4,000. (Average, $4,000)

"The Doctor Takes a Wife" (Col.)
"Twenty-Mule Team" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: $10,500. (Average, $12,000)

"The Doctor Takes a Wife" (Col.)
"Twenty-Mule Team" (M-G-M)
LOEW'S ORPHEUM — (2,900) (25c-35c-40c-55c) 7 days. Gross: $15,000. (Average, $17,500)

'21 Days' Grosses $7,900, Montreal

MONTREAL, July 10.—"21 Days Together," on a double bill at the Capitol, drew $7,900. "Four Sons" registered $7,800 at the Palace, while the second week of "Susan and God" at Loew's grossed $6,300.

Estimated takings for the week ending July 5:

"21 Days Together" (Col.)
"Blondie on a Budget" (Col.)
CAPITOL — (2,547) (25c-40c-55c-65c) 7 days. Gross: $7,900. (Average, $8,000)

"Susan and God" (M-G-M)
LOEW'S—(2,800) (30c-40c-60c) 7 days, 2nd week. Gross: $6,300. (Average, $8,000)

"One Million B.C." (U. A.)
"Saps at Sea" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days, 2nd week. Gross: $2,500. (Average, $5,000) Held over for third week.

"Four Sons" (20th-Fox)
PALACE — (2,600) (25c-40c-55c-65c) 7 days. Gross: $7,800. (Average, $9,000)

"I Was an Adventuress" (20th-Fox)
"Shooting High" (20th-Fox)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $3,300. (Average, $5,000)

'Moon' Indianapolis Leader with $10,000

INDIANAPOLIS, July 10.—New Federal taxes didn't hurt first-run grosses. Independence Day business was good. "New Moon" at Loew's led with $10,000.

Estimated takings for the week ending July 5:

"Four Sons" (20th-Fox)
"The Girl in 313" (20th-Fox)
CIRCLE—(2,800) (28c-33c-44c) 7 days. Gross: $5,800. (Average, $6,000)

"New Moon" (M-G-M)
LOEW'S—(2,800) (28c-33c-44c) 7 days. Gross: $10,000. (Average, $7,000)

"Lucky Cisco Kid" (20th-Fox)
LYRIC—(2,000) (28c-33c-44c) 7 days. Stage: Jubilee Follies, with Princess Chiyo, Sid Marion, Cliff Hall. Gross: $8,200. (Average, $8,000)

Showmanship Flashes . . .

Korda and TWA Set 'Flying Carpet' Tieup

ALEXANDER KORDA and TWA have arranged a tieup on "The Thief of Bagdad," by which the airline's new stratoliner will be named "the flying carpet," which is featured in the film's story. The plane will be christened at Chicago late this month. Flying Carpet Clubs will be formed throughout the country to further the interest of youth in aviation.

Plastic Birthday Cake Is Used on 'Andy Hardy'

Lester Pollock's campaign for "Andy Hardy Meets Debutante" at Loew's, Rochester, N. Y., featured a large plastic birthday cake, topped with cutouts of the film's stars.

Penny Envelopes Plug 'Heaven' in Memphis

Howard Waugh, manager of the Warner, Memphis, arranged to have patrons receive their pennies in change, made necessary by the new Federal admission tax, in small envelopes carrying copy plugging the forthcoming engagement of "All This, and Heaven, Too."

Animated Animals Are Used for 'Leopard Men'

ROCHESTER, July 10. — The RKO Temple used an animated wild animal display to promote "Leopard Men of Africa." It was arranged by Lou Mayer, Temple manager, and Harry Rice, accompanying the picture.

'Our Town' Contest Aids Film in Reading

Reading, Pa., July 10.—Cash prizes were awarded by the management of Loew's Theatre to persons writing "Our Town" the most times on an ordinary penny postal card, one side only, as a plug for the playing of "Our Town." First prize was $3 with $2 for second and guest tickets to see the picture to the next 25 winners.

Worcester Arrows Point to 'Waterloo'

Worcester, Mass., July 10.—Assistant Morris Drucker tacked 50 arrows to telegraph poles, pointing to "Waterloo Bridge" at the Poli, Worcester. Also he bannered a motor boat touring Lake Quinsigamount to tell 15,000 people along its shores and waters about "Waterloo Bridge."

'Emergency' Laughter Station Helps 'Orchid'

BATAVIA, N. Y., July 10.—Ralph Booth, manager of the New Family Theatre, set up a cot in his lobby with a 40 by 60 sign on an easel. The sign had a large red cross with a lettered display: "Red Cross emergency station for patrons who are overcome with laughter while witnessing Edward G. Robinson in "Brother Orchid."

Team Stewart, Lamarr

HOLLYWOOD, July 10.—James Stewart and Hedy Lamarr will be co-starred in M-G-M's "Come Live with Me," a story by Virginia Van Upp and Patterson McNutt. Clarence Brown will direct.

U. S. Charges 'Freezeout' And Threats By Schine

(*Continued from page* 1)

ticulars include the following competing theatres:

Orpheum, Amsterdam, N. Y.; Capital, Auburn, N. Y.; Jubilee, Buffalo, N. Y.; New Plaza, Corning, N. Y.; Strand, Delaware, O.; Park, State and Paramount, Glens Falls, N. Y.; Smalley's, Hamilton, N. Y.; Ada Meade Theatre and Opera House Theatre, Lexington, Ky.; Plaza, Malone, N. Y.; Hollywood and Washington, Maysville, Ky.; Medina, Medina, O.; Rialto, Massena, N. Y.; Strand and Orpheum, Oswego, N. Y.; Webster, Rochester, N. Y.; Uhlman's, New and Wicomico, Salisbury, Md.; Opera House, Shelby and State, Shelby, O.; Ohio, Van Wert, O., and Liberty, Strand and Victoria, Watertown, N. Y.

'Unreasonable' Protection

The Government states in its bill that the term "local competitive factors" in its complaint includes the price offered by an exhibitor for the privilege of exhibiting a picture, and that all the distributor defendants have disregarded such factors in licensing motion pictures.

Competing exhibitors referred to in another section of the complaint are listed as Hubert P. Wallace, Auburn; Sidney J. Cohen, Buffalo, Michael Boumansour, Malone; Ralph T. Kemper, formerly of Shelby, O., and now of Buffalo; Carl Brinton Moore, Van Wert, O., and Peter C. Vournakis, Watertown.

The Government alleges that Schine defendants announced the proposed construction and opening of a theatre in the neighborhood of another exhibitor at Lancaster and Mt. Vernon, O., and that Schine took an interest in a theatre site in the neighborhood of another exhibitor at Malone, N. Y., and that the nature of such interest was an option to purchase real property.

Schine defendants, "or some of them," it is charged, acquired superior title in a theatre controlled and operated by another exhibitor, and took over its control and operation in the instance of the Seneca, theretofore operated by Richard DeToto.

Cite Alleged Monopoly

Situations in which it is claimed Schine monopolized first and preferred runs of all the "high-class" feature pictures distributed by distributor defendants are: Ogdensburg, N. Y.; Newark, N. Y.; Delaware, O.; Hudson Falls, N. Y.; Lockport, N. Y.; Carthage, N. Y.; Malone, N. Y.; Mt. Vernon, O.; Norwalk, O.; Norwich, N. Y.; Van Wert, O.

Names and locations of theatres which it was claimed in the complaint that Schine kept closed are the Strand, Seneca Falls, N. Y., and the Lyric, Mt. Vernon, O.

Schine is alleged to have interfered with arrangements, financial, real estate, contractual, or otherwise, between other exhibitors and third parties for the acquisition of theatre sites, or the acquisition, construction or operation of theatres at Mt. Vernon, O., and Seneca Falls, N. Y., and it is claimed that another exhibitor, Richard DeToto, was prevented from acquiring a theatre or theatre sites by reason of such alleged interference.

Names of exhibitors claimed to have been systematically excluded from the opportunity of procuring "high-class" pictures under fair competitive conditions on first or preferred runs, and the location of their theatres follow:

Irving J. Cohen and J. Morris Gaby, Corning, N. Y.; John Buchman, Delaware, O.; N. K. Smith, Glens Falls, N. Y.; Reliance Theatres, Inc., Lockport, N. Y.; Michael Boumansour, Malone, N. Y.; Emerson W. Long, Mt. Vernon, O.; Joseph H. Felter, Norwalk, O.; William C. Smalley, Norwich, N. Y.; Carl B. Moore, Van Wert, O.

Exercising its privilege under the order granting the bill of particulars, the Government declared that it had no "precise knowledge" of the situations in which Schine allegedly conducted a monopoly. However, the right to furnish these details prior to the trial and thus make such details admissible in evidence was expressly reserved.

Mrs. Johnson Film Opens in Home Town

Osa Johnson's Columbia film, "I Married Adventure," will have a dual premiere at both theatres in Chanute, Kan., Mrs. Johnson's home town, on July 21. Sponsored by the Chamber of Commerce, the mayor and city and state officials will participate in the opening celebration. The film will be shown at the Main Street, and the Fox People's Theatre. Mrs. Johnson may attend the opening.

'Gangs,' Show Seattle High With $9,500

SEATTLE, July 10. — Count Berni Vici's "Comedie Francais" on the Palomar stage with "Gangs of Chicago" scored a strong $9,500. "Turnabout" at the Liberty drew $7,800. Competition included night baseball, horse racing and hot weather.

Estimated takings for the week ending July 5:

"Four Sons" (20th-Fox)
"La Conga Nights" (Univ.)
BLUE MOUSE—(950) (25c-35c-50c-65c) 7 days, 2nd week. Gross: $3,500. (Average, $4,000)
"The Mortal Storm" (M-G-M)
"Pop Always Pays" (M-G-M)
FIFTH AVENUE — (2,500) (25c-35c-50c-65c) 7 days. Gross: $7,000. (Average, $7,000)
"Turnabout" (U. A.)
LIBERTY — (1,800) (25c-35c-50c-65c) 7 days. Gross: $7,800. (Average, $5,000)
"The Ghost Breakers" (Para.)
"The Biscuit Eater" (Para.)
MUSIC BOX—(950) (25c-35c-50c) 7 days, 3rd week. Gross: $3,200. (Average, $4,000)
"Lucky Cisco Kid" (20th-Fox)
"Queen of the Mob" (Para.)
ORPHEUM—(2,450) (25c-35c-50c) 7 days. Gross: $5,300. (Average, $6,000)
"Gangs of Chicago" (Rep.)
PALOMAR—(1,500) (20c-35c-50c) 7 days. Count Berni Vici's "Comedie Francais" on stage. Gross: $9,500. (Average, $5,000)
"Our Town" (U. A.)
"Girl in 313" (20th-Fox)
PARAMOUNT — (3,050) (25c-35c-50c) 7 days. Gross: $6,400. (Average, $6,000)

Ratoff to Work for Para.

HOLLYWOOD, July 10. — Gregory Ratoff, until recently a 20th Century-Fox producer, was signed by Paramount today to produce and direct "Ballerina," starring Loretta Young, from a book by Lady Eleanor Smith.

LET YOUR AUDIENCES FORGET THE WAR...
FOR A FABULOUS HOUR AND A HALF OF THRILLS!
OSA JOHNSON'S
(Mrs. Martin Johnson)
I Married Adventure
Based on the great Book-of-the-Month-Club Selection
Produced by OSA JOHNSON
Edited by RALPH DIXON
Narration Written by DON CLARK and ALBERT DUFFY
Narrator JIM BANNON
A Columbia Picture
A COLUMBIA PICTURE

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
June 14		The Mortal Storm (G-D) *M. Sullivan* *Jimmy Stewart*	On the Spot (G-D) *Frankie Darro* *Mary Korman*	Safari (G-D) *Fairbanks, Jr.* *M. Carroll*	Grand Ole Opry (G-M) *Weaver Bros. and Elviry*	Tom Brown's School Days (D) *F. Bartholomew* *Sir C. Hardwicke*	Four Sons (G-D) *Don Ameche* *Alan Curtis*		Sandy Is a Lady (G-C) *Baby Sandy* *Nan Gray*	Fugitive from Justice (G-D) *Roger Pryor* *Lucile Fairbanks*
June 21	Girls of the Road (D) *Lola Lane* *Helen Mack*	The Captain Is A Lady (G-D) *Virginia Grey* *Billie Burke*	Wild Horse Range (O)	The Ghost Breakers (G-C) *Bob Hope* *P. Goddard*	Wagons Westward (O) *Chester Morris* *Anita Louise*	Pop Always Pays (G-C) *Leon Errol*	Charlie Chan's Murder Cruise (D) *Sidney Toler*		I Can't Give You Anything But Love, Baby (M) *B. Crawford*	Gambling on the High Sea (D) *Wayne Morris*
June 28	Return of Wild Bill (O) *Bill Elliott* *Iris Meredith*	New Moon (G-M) *Nelson Eddy* *J. MacDonald*	Last Alarm (G-D) *Warren Hull* *Polly Ann Young*	Queen of the Mob (A-D) *Ralph Bellamy* *Blanche Yurka*	Carson City Kid (O) *Roy Rodgers* One Man's Law	Anne of Windy Poplars (G-D) *Anne Shirley* *James Ellison*	Lucky Cisco Kid (G-O) *Cesar Romero* *Evelyn Venable*			All This and Heaven Too (D) *Bette Davis* *Charles Boyer*
July 5	Out West With the Peppers *Edith Fellows*	Andy Hardy Meets a Debutante (C) *Mickey Rooney* *Lewis Stone*	Golden Trail (O) *Tex Ritter*	Way of All Flesh (G-D) *Tamiroff* *Gladys George*		Dr. Christian Meets the Women (G-D) *Jean Hersholt*	Sailor's Lady (G-D) *Nancy Kelly* *Jon Hall*		Private Affairs (G-C) *Nancy Kelly* *Roland Young*	Man Who Talked Too Much (D) *George Brent* *V. Bruce*
July 12		Sporting Blood (D) *Bob Young* *M. O'Sullivan*		Stagecoach War (G-O) *Bill Boyd* *Russell Hayden*	Three Faces West (D) Carolina Moon (O)	Millionaires in Prison (G-D) *Lee Tracy* *Linda Hayes*	Manhattan Heartbeat (G-D) *Robert Sterling* *Virginia Gilmore*			My Love Came Back (G-C) *O. DeHavilland* *J. Lynn*
July 19	Military Academy (D) *Tommy Kelly* *Bobby Jordan*	We Who Are Young (D) *Lana Turner* *John Shelton*	Haunted House (D) *Marcia Mae Jones* *Jackie Moran*		Scatterbrain (G-C) *Judy Canova* *Alan Mowbray*	Cross Country Romance (G-C) *Gene Raymond* *Wendy Barrie*	Maryland (G-D) *Walter Brennan* *Fay Bainter*	South of Pago Pago (D) *V. McLaglen* *Jon Hall*	Black Diamonds (D) *Richard Arlen* *Andy Devine*	Bridegroom Misbehaves *Rosemary Lane*
July 26	Blondie Has Servant Trouble (C) *Singleton-Lake*	Pride and Prejudice (G-C) *Greer Garson* *L. Olivier*	Boys of the City (D) *East Side Kids*	Untamed (G-D) *Ray Milland* *P. Morison* *A. Tamiroff*	Girl From God's Country (O) *Morris-Wyatt*	Stage to Chino (O) *George O'Brien* *Virginia Vale*			You're Not So Tough (G-D) *Dead End Kids* *Nan Grey*	Ladies Must Live (D) *R. Lane* *Jeffrey Lynn*
Aug. 2	It Happened in Paris (D) *Brian Aherne*	Gold Rush Maisie (C) *Ann Sothern* *Lee Bowman*	Orphans of the North (D) Rainbow Over the Range (O)	Golden Gloves (D) *Richard Denning* *Robert Paige*	Ranger and the Lady (O) *Roy Rogers*	Stranger On the Third Floor (D) *Peter Lorre* *John McGuire*	The Man I Marreid (D) *Joan Bennett* *F. Lederer*		Diamond Frontier (D) *V. McLaglen* *Anne Nagel*	They Drive By Night (D) *Ann Sheridan* *H. Bogart*
Aug. 9	The Secret Seven (D) *Bruce Bennett* *Florence Rice*	Boom Town (D) *Clark Gable* *Spencer Tracy*	Shadows Over Chinatown (D) Chamber of Horrors (D)	Mystery Sea Raider (D) *H. Wilcoxon* *Carole Landis*	Sing, Dance Plenty Hot (M) *Johnny Downs* *Ruth Terry*	Queen of Destiny (D) *Anna Neagle* *Anton Walbrook*	Street of Memories (G-D) *Lynn Roberts* *Guy Kibbee*	Captain Caution (D) *Victor Mature* *Louise Platt*	Boys from Syracuse (C) *Allan Jones* *Martha Raye*	River's End (D) *Dennis Morgan* *Victor Jory*
Aug. 16	The Durango Kid (O) *Chas. Starrett* *Luana Walter*	Golden Fleecing (D) *Lew Ayres* *Rita Johnson*	All Around the Town (D) Range Busters (O)	Comin' Round the Mountain (C) *Burns-Merkel*		One Crowded Night (D) *William Haade* *Billy Seward*	Return of Frank James (O) *Henry Fonda* *Jackie Cooper*			Money and the Woman (D) *Jeffrey Lynn* *Brenda Marshall*
Aug. 23	He Stayed for Breakfast (C) *Loretta Young* *Melvyn Douglas*	I Love You Again (D) *William Powell* *Myrna Loy*	Missing People (D) Arizona Frontier (O)	The Great McGinty (D) *Brian Donlevy* *Muriel Angelus*		Lucky Partners (D) Wildcat Bus D)	Girl From Ave. A (D) *Jane Withers* *C. Aldrich*		Hired Wife (C) *R. Russell* *Brian Aherne*	Sea Hawk (D) *Errol Flynn* *Brenda Marshall*
Aug. 30		Busman's Honeymoon (D) *R. Montgomery* *C. Cummings*	Queen of the Yukon (D)			Dance, Girl, Dance (D) *Maureen O'Hara*	Public Deb No. 1 (C) *Brenda Joyce*			Flowing Gold (D) *Pat O'Brien*

WHEN BOOKING... REMEMBER PARAMOUNT'S "SHORTS" STORY!

June 21 Color Cruise "PACIFIC PARADISE"

June 28 Cinecolor "POPULAR SCIENCE" No. 6

July 5 Stone Age Cartoon "WEDDING BELTS"

July 12 Grantland Rice Sportlight "SINK OR SWIM"

100% BOX OFFICE TESTED

Philadelphia Business Off In Most Spots

PHILADELPHIA, July 10.—Competition kept the downtown houses from approximating even their house averages for the most part. Best business was registered by "Too Many Husbands" and a stage show at the Carman with $7,600.

Estimated takings for the week ended July 3-5:

"Waterloo Bridge" (M-G-M)
ARCADIA—(600) (35c-46c-57c) 2nd run, 7 days. Gross: $4,000. (Average, $2,600)

"Susan and God" (M-G-M)
BOYD—(2,400) (35c-46c-57c-68c) 2nd week, 7 days. Gross: $9,000. (Average, $13,000)

"Too Many Husbands" (Col.)
CARMAN — (2,500) (28c-35c-46c) subsequent run, 7 days, with vaudeville bill including Jimmy Edmundson, the Christianis, Ming and Toy, Betty and Bob, and the Three Clares. Gross: $7,600. (Average, $5,200)

"All This and Heaven Too" (W. B.)
EARLE—(4,000) (75c-$1.14) 3rd week, 7 days. Gross: $11,300. (Average, $14,000)

"Four Sons" (20th-Fox)
FOX — (3,000) (35c-46c-57c-68c) 7 days. Gross: $12,000. (Average, $13,000)

"The Biscuit Eater" (Para.)
KARLTON — (1,000) (35c-46c-57c-68c) 5 days only. Gross: $2,100. (Average, $3,000)

"My Favorite Wife" (RKO)
KEITH'S — (2,200) (35c-46c-57c-68c) 2nd run, 2nd week, 7 days. Gross: $4,200. (Average, $4,500)

"Our Town" (U. A.)
STANLEY — (3,700) (35c-46c-57c-68c) 7 days. Gross: $11,200. (Average, $14,000)

"I Was An Adventuress" (20th-Fox)
STANTON—(1,700) (35c-46c-57c) 7 days. Gross: $4,000. (Average, $4,500)

'Storm' at $14,300 Buffalo High Gross

BUFFALO, July 10.—Grosses pepped up here. Best was "The Mortal Storm" with $14,300 at the Buffalo. A dual of "The Ghost Breakers" and "Torrid Zone" brought $8,900 to the Hippodrome.

Estimated takings for the week ending July 6:

"The Mortal Storm" (M-G-M)
BUFFALO—(3,489) (35c-40c-60c) 7 days. D'Artega & orchestral ensemble in Musical Melange, with Bob Hannon, Nina Allen, the Hansonettes, Eddie Manguso, Charles Newman and Al Coulthurst. Gross: $14,300. (Average, $12,000)

"Sailor's Lady" (20th-Fox)
"Queen of the Mob" (Para.)
GREAT LAKES—(3,000) (35c-55c) 7 days. Gross: $5,400. (Average, $7,500)

"The Ghost Breakers" (Para.)
"Torrid Zone" (W. B.)
HIPPODROME—(2,100) (30c-40c) 7 days, second run. Gross: $8,900. (Average, $6,800)

"A Bill of Divorcement" (RKO)
"Pop Always Pays" (RKO)
TWENTIETH CENTURY—(3,000) (30c-40c) 7 days. Gross: $5,900. (Average, $7,500)

"Lost Horizon" (Col.)
"The Awful Truth" (Col.)
LAFAYETTE—(3,000) (30c-40c) 7 days, revivals. Gross: $5,300. (Average, $6,300)

Autry Will Appear At New York Rodeo

Gene Autry, singing cowboy, has signed with Madison Square Garden for a three-week personal appearance engagement at the New York Rodeo this Summer. Autry will be paid $4,600 weekly for the 18-day engagement. This will be Autry's first personal appearance in New York.

Short Subject Reviews

"A Way in the Wilderness"

(M-G-M)

"A Way in the Wilderness" is an inspiring tale of the researches of Dr. Joseph Goldberger, who conquered the dread disease, pellagra. His difficulties in determining that pellagra was simply a result of diet deficiencies are graphically portrayed and shown is his difficulty in getting the medical profession to accept his findings. The reel ends with the warning that, although the cure for pellagra has been found, it cannot be wiped out until the poor can be provided with a proper diet. Running time, 10 mins.

"Bubbling Troubles"

(M-G-M)

Alfalfa gets into trouble by drinking too many "Settles-Itt" powders and his stomach blows up to balloon size. Our Gang believes that he has swallowed dynamite in an amusing mixup with Butch. This one should get laughs. Running time, 11 mins.

"Pacific Paradise"

(Paramount)

The colorful and picturesque Hawaiian Islands prove a splendid subject for this "Color Cruise." The camera visits Honolulu, Waikiki Beach and the suburbs, with stress on the colorful cottages and flowers. The congenial natives are photogenic. The departure on a huge steamer as the natives sing "Aloha" is impressive. Running time, 10 mins.

"Sink of Swim"

(Paramount)

This is a good Sportlight narrated by Ted Husing and demonstrating the proper methods of rescuing drowning persons. A group of 10 girls give an exhibition, as do two masculine swimmers. Also shown are a dog taught to rescue his master when the latter is distressed in the water, the rescuing of a girl from a car submerged in water and a new safety balloon that carries the wearer above water. Two aquatic comedians end the short in humorous fashion. Running time, 10 mins.

"Women in Hiding"

(M-G-M)

This issue of the "Crime Does Not Pay" series deals with the somewhat difficult cinematic theme of young girls who are expectant mothers but who do not wish their friends or relatives to know their condition. The reel tells of the victimization of such girls by unscrupulous doctors who operate hideaway homes and compel the girls to permit adoption of the babies. Although the expectant mothers are referred to as being secretly married in some instances, the careful showman should prepare his exploitation material on this subject painstakingly and judiciously. The subject is obviously not for children. Running time, 22 mins.

"Popular Science J9-6"

(Paramount)

The latest issue of the Popular Science series is divided into five clips capable of holding the interest of the serious patrons. The short starts with a health station for birds in Utah. Following are clips on a giant mathematical device; the manufacture of nylon stockings; an eccentric machine for scraping burnt toast, and the development of splints which save the lives of animals. Running time, 11 mins.

"Dangerous Dollars"

(Paramount)

Heralded properly, this Paragraphic on counterfeit money should attract merchants and all business people. Produced by authority of the Treasury Department, the short illustrates effective methods of detecting pseudo-currency. The subject is concluded in a dramatic episode in which an attempt is made to pass bogus money on a merchant, the latter summons the Secret Service and the offenders are caught. Running time, 11 mins.

"What's Your I. Q. No. 2"

(M-G-M)

Pete Smith has prepared another audience quiz and it should prove as popular as the first. There are the usual number of trick questions and a couple of old time riddles. The audience is invited to keep its own score, but there will be few who will chalk up a perfect 100 per cent. This is a real novelty. Running time, 9 mins.

"Nurse Mates"

(Paramount)

The "Nurse Mates" herein are Popeye and Bluto, left by Olive to care for Sweetpea. The expected complications develop. Upon returning Olive finds the baby rocking Popeye and Bluto to sleep. Running time, 7 mins.

"The Ugly Dino"

(Paramount)

This Max Fleischer Stone Age cartoon is a variation of the "Ugly Duckling" fable, the characters here being dinos instead of ducks. A brood of five dinos includes one black, abandoned by the family. However, when a huge tiger threatens the other four, the "Ugly Dino" saves the day. Average. Running time, 7 mins.

Two Join RKO Exchange

SEATTLE, July 10. — Manager Ed Lamb of the RKO exchange here has appointed Floyd Henninger as office manager and William Englen as booker.

Open Summer Theatres

SOUND VIEW, Conn., July 10.—John S. P. Glackin has opened the Strand, one of the three Summer theatres in operation in the territory this year, with one show nightly and matinees on rainy days. Admission scale is 15-30 cents. Adolph G. Johnson and Albert Poulton are operating the former Cinema as the New Colony this season.

Renovate Canada Houses

HALIFAX, N. S., July 8.—The Community and Family here and the Dundas, in neighboring Dartmouth, are being reconditioned. The three houses are in the Franklin & Herschorn circuit. The Community and Family have been reseated.

Theatre Changes

Building in Pawtucket

PAWTUCKET, R. I., July 10.—Chester B. Currie's new theatre in the Darlington section will be ready for opening in October as a subsequent run. It will be named either the Darlton or Arden.

Seeks Lease Extension

PROVIDENCE, July 10.—A. A. Spitz, president of Associated Theatres, is negotiating for a five-year extension on the Playhouse. If it is obtained the house will be reseated and redecorated. The firm will take over the Metropolitan here Sept. 1.

Shea Opens Buffalo House

BUFFALO, July 10.—Shea's Niagara, newest addition to Shea Theatres, has opened in the city's Italian colony. Seating 1,300, it will present double features, with programs changing three times weekly.

Building Georgia Theatre

GAINESVILLE, Ga., July 10.—Work has begun on the Ritz here. Costing aproximately $50,000, the new theatre will be under the management of Lucas & Jenkins, who operate two other houses here.

Shift Carolina Men

CHARLOTTE, N. C., July 10.—North Carolina Theatres, Inc., has made the following changes in personnel: Roy Smart, in charge of the Charlotte district, advances to head booker and buyer, with Harry Hardy succeeding him here. Neil McGill, former manager of the Imperial, succeeds Emil Bernstecker as manager of the Carolina. Bernstecker assumes charge of the company's Eastern district.

Take Kansas Theatre

KANSAS CITY, July 10.—A. F. and George Baker of Baker Enterprises have taken over operation of the Helstrom at McPherson, Kan., from C. W. Helstrom. The Bakers operate the Ritz there.

Lowers Sunday Price

BRIDGEPRT, Conn., July 10.—Jack Schwartz has lowered his Sunday admission at the West End here from 25 cents to 20 cents, effective July 7.

VICTOR McLAGLEN
who won the Academy Award for his performance in "The Informer," brings dramatic emphasis with his flying fists to the colorful role of "Bucko Larson"
EDWARD SMALL'S PRODUCTION OF
"SOUTH OF PAGO-PAGO"
RELEASED THRU UNITED ARTISTS

Para. and CBS Deal Is Aired At Brown Quiz

WASHINGTON, July 10.—That FCC Commissioner Thad H. Brown was "strangely ignorant" of a report which he had signed was the observation made by Senator Charles W. Tobey of New Hampshire at today's hearing on Brown's renomination to the FCC, held by the Senate Interstate Commerce Committee.

The report to which Senator Tobey referred was one in which it had been charged that a half-dozen CBS officials had made large sums at the expense of minority stockholders in the 1929 Paramount-CBS deal.

Today, members of the committee agreed that there was nothing illegitimate in that transaction, following an analysis of the deal presented by Ralph Colin, general counsel of CBS.

Colin Explains Transaction

Colin explained that in 1929 Paramount, in anticipation of television, sought to buy into CBS and a deal was made whereby outstanding stock was replaced by two classes, with stockholders selling the Class A stock to the film company, giving it a half interest and a right to name half the board. The agreement provided that if CBS earned an average of $1,000,000 or more in each of the succeeding two years, Paramount would pay the equivalent of $5,000,000 for the stock. In the meantime, as security, it transferred to the CBS stockholders 58,823 shares of Paramount stock.

Paramount Redeemed Shares

CBS made the required earnings, the company's counsel continued, and in March, 1932, Paramount redeemed 47,484 shares of its stock still in the hands of 15 of the 17 CBS stockholders. To do this, however, it had to turn in its CBS holdings. CBS itself, out of surplus, bought 14,156 shares for $1,163,860 and the 15 stockholders bought 49,094 shares for $4,036,017. Paramount then bought its stock back for something over $4,000,000. About half of the CBS stock in the hands of its stockholders was then acquired by a banking syndicate headed by Brown Bros. Harriman at a price of $82.21 per share, which led to the profits condemned in the FCC report.

Although the hearing was prolonged well into the Senate session, Senator Tobey said he still had many questions to ask Colin, and it was agreed to resume when Congress reconvenes.

NBC Adds Three Florida Stations

Three new 250-watt unlimited time Florida stations will join NBC Monday to bring the total number of affiliates up to 192. The stations will be NBC-Blue outlets. They are WMFJ, 1,420 k.c, Daytona Beach, owned by W. Wright Esch; WJHP, 1,290 k.c., Jacksonville, owned by the Jacksonville *Journal*; and WKAT, 1,500 k.c., Miami Beach, owned by A. Frank Katzentine.

'Rockne—All American'

"Knute Rockne—All American" is the new title given by Warners to the film formerly known as "The Story of Knute Rockne."

Off the Antenna

INDICATIONS appear fairly definite at NBC that Niles T. Trammell, executive vice-president, will be elected to the presidency to succeed Lenox R. Lohr when the board of directors meets tomorrow afternoon. It also appears that the position of executive vice-president will be left vacant, at least until the Fall. Frank E. Mullen, RCA vice-president in charge of advertising and publicity, who was frequently mentioned for the post after the announcement of Lohr's resignation, will not be named as Trammell's successor, it was learned definitely last night.

• • •

Purely Personal: *Bill Norris, trade press editor for NBC, left yesterday for Chicago to do some advance work for the Democratic convention. . . . Lester Gottlieb, Mutual publicity director, is touring Mutual stations en route to Chicago, where he will handle the convention publicity for the network. . . . Niles T. Trammell, NBC executive vice-president, will address RCA-Victor dealers at Atlantic City Saturday. . . Irwin Robinson, managing editor of* Advertising Age, *will be guest on "Men Behind the Ads" over WOV at* 8:45 *tonight. . . .*

Sam Taylor, who broadcasts "Hollywood Sound Stage" over WHN, is now heard nine times weekly over the station instead of three. . . . Alex Rosenman has been named commercial manager for WCAU, Philadelphia. Bob Latham has been promoted to Rosenman's post on the sales force and Joe Van Haute has been named assistant to the commercial manager. . . . David M. Anderson has been named CBS correspondent in Stockholm.

• • •

Radio engineers have been faced with quite a problem in the installation of individual microphones for each of the 53 delegations from the various States and territories at the national political conventions. The floors at convention halls are made from terrazzo, a kind of cement, and holes cannot be drilled to anchor the microphones, or for wiring.

Wooden flooring has to be laid through the aisles and spurs run to the chairman's seat. The wiring is placed under the boards and the microphone anchored to the end of the spur.

The hardest part of the task is the individual polling of each member of the delegation when the State's vote is challenged. The delegates are not seated alphabtically and the engineers must work frantically to pass the microphone from delegate to delegate.

• • •

Around the Country: *A new* 250-*watt station will be constructed in Chattanooga by Joseph W. Engel, president of the Chattanooga Baseball Club. Construction costs will be about* $25,000, *it was said, and the frequency used will be* 1,370 *k.c. . . .WJAX, Jacksonville, Florida, municipally owned station, has been remodeled at a cost of* $6,000. *. . . Grenco, Inc., has been organized at Greenwood, S. C., to operate a radio station and deal in radio advertising. It is capitalized at* $15,000. *Douglas Featherstone is president-treasurer and C. A. Mays, vice-president and secretary.*

• • •

"Show of the Week" over Mutual will emerge in a new format when it is resumed Sept. 29. Instead of a different "name band" as guest each week, the show will feature Vincent Lopez' orchestra and a number of singers as steady attractions while top line comedians will act as guests. Included among the talent already signed for the series are Abbott & Costello, Milton Berle, Jack Pearl, George Jessel, Block & Sully, Stepin Fetchit, Col. Stoopnagle. Ezra Stone, Bert Wheeler, Joe Cook, Lou Holtz, Willie Howard and Henny Youngman.

As in the past season, the program will be offered on a participating basis to different sponsors in various cities and sustaining to stations where it cannot be sold. Howard Clothes has signed to sponsor the series in seven cities.

Music Hall Talent In Fair Celebration

In celebration of Rockefeller Center Day at the New York World's Fair Saturday, the Radio City Music Hall Rockettes, the Music Hall's ballet, entire symphony orchestra, Jan Peerce, Lucille Manners and the Rockefeller Choristers will be heard in a special presentation at the Fair.

Since Saturday is also Naval Academy Day, the Rockettes have challenged 1,000 midshipmen from the Academy and a battalion of Marines to a drill duel. Each group will demonstrate its ability in precision marching, calisthenics and dancing.

Retitle Yiddish Film

"Her Second Mother" is the new title of the Yiddish feature recently completed by Mathilda Seiden for Cinema Service Corp. "Eli, Eli" is now in production at the firm's studio at Palisades, N. J.

Union Hearing Set On Brooklyn House

The New York State Labor Relations Board yesterday set next Tuesday as the date for a hearing on the petition filed by United Theatrical & Motion Picture Service Employes Union for recognition as collective bargaining agency for projectionists at the Howard, Brooklyn.

According to the petition, United claims to represent the projectionists but Operators Union Local 306 is contesting the claim, and in order to sign a contract, the theatre owner "needs clarification on representative agents." Levco Amusement Corp. is named in the petition as owner or operator.

Betty Field in Conn.

Betty Field, Paramount player, is in town following work in "Victory." She will appear in "Green Grow the Lilacs," a play, at Westport, Conn., next week at Princeton, N. J., the week following.

Attendance at Coast Fair Is Booming

San Francisco, July 10.—While theatre business is below average here, attendance at the World's Fair here is booming, the 2,000,000th visitor having been chalked up over the weekend. Attendance is 400,000 ahead of last year's fair for the same number of days, with July 4 admissions exceeding 133,000 for the highest total of the year, even surpassing opening day. Billy Rose's Aquacade is breaking all attendance records for shows, with nearly 600,000 admissions of the fair's 2,000,000 total.

'Met' to Have New Broadcast Booths

New booths for radio and television broadcasts will be constructed at the Metropolitan Opera House on the level until now occupied by the grand tier boxes. The boxes will also be replaced by a circle of 144 seats, which will add 30 seats to the Opera House capacity.

Otherwise, only minor alterations will be made. The "Diamond Horseshoe" and the remaining four levels will remain unchanged. The $100,000 required for alterations will be provided from the recently completed $1,000,000 "Save the Opera" campaign.

World's Fair Shows Earnings of $696,118

The New York World's Fair Corp. showed net earnings of $696,118 for the first 58 days of the 1940 season, Harvey D. Gibson, chairman of the board of directors, has reported.

In that period the Fair had no back debts, and may make a five per cent payment on its debentures early next month.

Prepare Studio for WPEN, Philadelphia

PHILADELPHIA, July 10.—Provisions for television broadcasting and frequency modulation will be included in the plans for the new WPEN studios, according to George Simon, station general manager. The location, in the former Integrity Trust Building, will be ready for occupancy in the early Fall.

Kuykendall to Speak At S.E.T.O.A. Meeting

Ed Kuykendall, president of the M.P.T.O.A., is scheduled to address the Southeastern Theatre Owners Association convention at Jacksonville, Fla., which opens July 21. He will leave Saturday to attend the Democratic National Convention in Chicago next week.

Book by Thomajan

P. K. Thomajan, publicity feature writer formerly with Harold Lloyd and Paramount, has just had published by Ritten House a humorous book about a "tough" youngster. The book, "The White Lie," is intended for both adults and juveniles. It is being offered for films.

FILE COPY

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 9 NEW YORK, U. S. A., FRIDAY, JULY 12, 1940 TEN CENTS

War Impels Cutting RKO Fees: Schaefer

Opposes $2,046,000 Total Asked by Attorneys

Declaring that the industry faces "the most serious crisis in its history" and that "major and drastic readjustments are inevitable," George J. Schaefer, president of RKO, yesterday cited the present world situation as a reason for sharp cuts in allowances requested in the RKO reorganization.

The allowances asked, for legal fees and other services, total $2,046,000. RKO, in opposing this amount, has told the U. S. District Court that it can afford only $60,000.

Schaefer's assertions were in an affidavit filed with Federal Judge William Bondy. He said the affidavit was made at the request of a special meeting of the RKO directors held last Monday.

Radio Pictures, the producing company, lost about $500,000 in the period from September 1 to December 31, 1939, by reason of the European war, Schaefer declared. The affidavit, in analyzing the revenue from countries either at war or directly affected by the war, stated that in 1937 the income from these countries to RKO was $6,724,986, or 80 per cent of all foreign revenues and 27 per cent of the total world revenue; $9,222,231 in 1938, or 81 per cent of foreign revenues and 27 per cent of world rev-

(Continued on page 4)

Loew's N.Y. Houses Revamp Ad Setup

Loew's Weekly, four-page booklet that has been issued weekly by Loew's New York theatres for 21 years, will suspend publication with the issue of next Thursday.

This will mark a radical departure in the advertising setup of Loew's Metropolitan circuit. A large portion of the cost of publishing and mailing *Loew's Weekly* will be diverted into daily newspaper advertising, said Oscar A. Doob, advertising director of Loew's.

It is planned to publish a complete directory of Loew programs in the New York daily newspapers. This would list all of the 70 or more theatres in the Metropolitan district. The directories will run five or more days per week.

A tentative, initial budget of about

(Continued on page 4)

Separate Peace With 'Big 5' Seen in Consent Decree

Government Offers Defendants 'Escape' Clause to Hasten Agreement Among All; Universal, Columbia, U. A. Holding Out

By SAM SHAIN

A separate peace between the Government and the Big 5, according to reports coming directly from armistice headquarters, is a distinct possibility, should Universal, Columbia and United Artists continue to be adamant about an out-of-court settlement of the New York anti-trust suit, in which they are also defendants, and refuse to concur in a consent decree which is now being worked out.

Spokesmen assert that the Big 5, for purposes of appeasement and industry harmony, are ready to decentralize the national purchasing powers of their affiliated circuits. They will yield also on blind buying.

The Government, it is asserted, in return, offers the Big 5 an "escape" or "protection" clause, to enable the companies to regain their status quo, in the event any final agreement is found to be "unworkable."

The Big 5 will outlaw block booking and the Government will yield on divorcement, according to presently reported discussions. The industry is to be granted a system of arbitration.

None of these reforms are so far reduced to writing. They are described as having been agreed upon "in principle" and are "tentative."

In that manner, it is asserted, they were put on the table for Universal, Columbia and United Artists in an appeasement session yesterday, with

(Continued on page 4)

Nazis Shut Berlin 20th-Fox Branch

The Berlin office of 20th Century-Fox has been closed by direct order of the Nazi Government of Germany, it was learned in New York yesterday.

There had been reports of the company's product being banned as a result of the film, "Four Sons," which is anti-Nazi in theme. M-G-M, Paramount and 20th Century-Fox are the only American companies which had been operating in Germany.

'Heaven' $110,000 Music Hall Smash

Despite the hot spell in which the city sweltered for the past two days, "All This, and Heaven Too," with a stage show at the Music Hall, broke the house record for the week of July 4 with an estimated $110,000 for the first week. The gross exceeded by about $16,000 the previous record for the same week at the house.

The heat, which kept the temperature hovering around the 85-degree mark for two days, broke last night after a thunder storm. Business picked

(Continued on page 4)

NBC Prepares For Television

NBC expects to receive its new television license for the New York station within the next two weeks and is preparing the applications for Washington and Chicago stations for early filing, it was revealed yesterday.

[The FCC may hand down an order after Tuesday's meeting which will grant the first batch of television licenses, according to reports yesterday from Washington. The commission has allocated frequencies to 23 stations and has indicated that it

(Continued on page 4)

Coast Rallies War Relief; W. B. to 'Adopt' Children

Hollywood, July 11. — Warner Bros. employes in the United States will bring over and care for from 2,000 to 3,000 children of Warner employes in England, it was disclosed today. Harry M., Jack L. and Albert Warner guarantee to underwrite the financial requirements of the United States and British governments in bringing the refugees here for the duration of the war.

Hollywood, July 11.—The most extensive campaign for any charity undertaken by the industry will get under way in Hollywood on Monday and nationally next month for the Red Cross and the Allied Relief Fund.

With top executives and talent leading the drive, Monday noon studio sirens will rally all employes to hear a radio program relayed from the M-G-M lot by KFWB and other local stations. The patriotic program, featuring Jeanette MacDonald and Robert Montgomery, will be followed by appeals by executives at each studio.

Exhibitors will meet either at the Ambassador Hotel or the Boulevard Theatre for a similar meeting.

These gatherings aim at a quick windup of the drive for funds to permit immediate preparation of a series of tours to be made by Hollywood players during which they will make appeals to audiences in theatres.

Gus Schaefer RKO Northeastern Head

Gus Schaefer, formerly in the foreign sales department of RKO, was appointed Northeastern district manager yesterday by Ned E. Depinet, vice-president in charge of distribution.

Schaefer, who will have charge of New Haven, Boston, Albany and Buffalo, succeeds Herb MacIntyre. The latter moves to the Coast as Western district manager, covering Los Angeles, San Francisco, Portland, Seattle, Salt Lake City and Denver. Harry Cohen, formerly Western district manager, becomes manager of the Los Angeles territory, succeeding Newton Jacobs, who will be given a new assignment.

Schaefer's headquarters will be in Boston, MacIntyre's in Los Angeles.

British C.E.A. Cannot Meet Tax Demands

London, July 11.—British exhibitors are holding rigidly to their insistence that they cannot meet the Government's expressed requirement of an approximate $19,000,000 annually in new taxation on the film industry to help meet Britain's war budget.

Contrary to expectations, the meeting today of a trade deputation with a Treasury Department official brought no concrete Government proposal. The official merely inquired whether the industry had developed any practicable ideas, and Harry Mears, Cinematograph Exhibitor Association president, head of the exhibitor deputation, replied that they were awaiting Government leads toward a solution.

The Government official tentatively suggested one or two methods, but Mears insisted none could be accepted without approval by the C.E.A. general council. The C.E.A. taxation committee will meet Tuesday, followed by a special meeting of the organization's general council on Wednesday, and probably another meeting with Government officials on Thursday.

Exhibitors say they are willing to accept an appropriate share of the burden, but contend that war time conditions make it impossible for the industry to meet a demand for a specific amount. It is expected the exhibitors will attempt to formulate a completely new theatre tax scale, based on an analysis of the economic feasibility of an increase in admissions.

Hammons to Coast Today on Feature

Earle W. Hammons, former president of Educational and Grand National, will leave for the Coast today or tomorrow to set details on his first feature picture venture. Details of cast and the like will be settled by Hammons on the Coast. He indicated yesterday that he may produce the film in the East.

He said he expects to return here in about two weeks.

Lindy's
INC.
RESTAURANTS

1626 BROADWAY 1655
(Next to the Rivoli Theatre) (51st Street Corner)

For over 20 years the luncheon and dinner place for Motion Picture People

Sole agents in New York for FAMOUS
BLUM'S ALMONDETTES
from
San Francisco, California

Personal Mention

W. G. VAN SCHMUS, managing director of the Radio City Music Hall, is showing improvement at St. Luke's Hospital following a recent operation.

•

William P. Montague, Jr., city editor for Paramount News, left for Chicago yesterday to make preparations for coverage of the Democratic convention.

•

Mrs. Edward Cohen, the former Miss Mimi Rosen who was secretary to Norman H. Moray, Warner short subject head, became the mother of a daughter Wednesday night at Adelphi Hospital, Brooklyn.

•

Mary Louise Mahon of the Comerford home office booking department, Scranton, Pa., is engaged to Thomas J. Reagan, Jr., of Binghamton, N. Y. The wedding will take place in the late Fall.

•

William Sorenson, M-G-M booking supervisor in Milwaukee, is nursing a broken leg.

•

Micheal Gerard Crowley has joined M-G-M's Boston booking staff.

•

Madeleine Carroll, who arrived from France by air yesterday, will leave next week for Charlottesville, Va., for location shots.

•

C. W. Alexander, assistant cashier at the Paramount home office, and Mrs. Alexander leave today on the *Santa Rosa* for a Southern cruise.

•

Charles MacDonald, RKO division manager in New York, will sail today on the *Santa Rosa* for a 12-day cruise in Southern waters.

•

Nat Sanders, president of "The Baker's Wife," Inc., has returned from a three-day trip.

•

Herman Pincus of the advertising department of Motion Picture Daily leaves tonight for Massachusetts where he will spend two weeks.

•

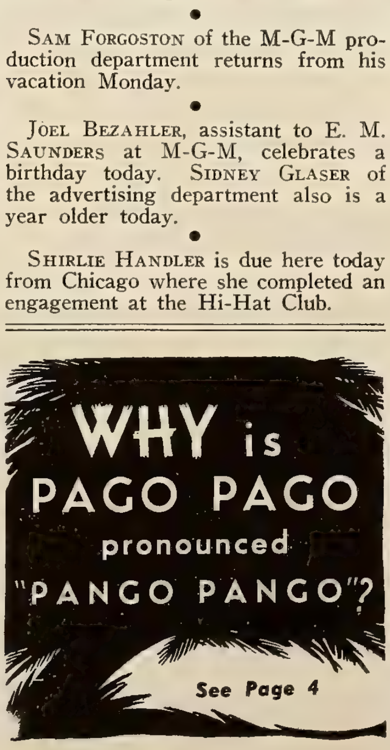
Sam Forgoston of the M-G-M production department returns from his vacation Monday.

•

Joel Bezahler, assistant to E. M. Saunders at M-G-M, celebrates a birthday today. Sidney Glaser of the advertising department also is a year older today.

•

Shirlie Handler is due here today from Chicago where she completed an engagement at the Hi-Hat Club.



A. W. SMITH, RKO general sales manager, returned yesterday from Boston.

•

Robert Mochrie, RKO Eastern and Southern division manager, will return over the weekend from Atlanta.

•

Maurice Silverstone, Arthur W. Kelly, Archie Mayo and William Brandt at Lindy's (51st St.) yesterday for lunch.

•

Louis Astor, Abe Weisfeldt, Lou Weinberg and Harry Cosman lunching at Lindy's (next to the Rivoli) yesterday.

•

Paul Raibourn, John D. Hertz, Jr., Sam Shain, Charles Sonin, Arthur Treacher, Arthur Loew, John Golden, Jacob Wilk, Lee Shubert and Martin Beck lunching at Sardi's yesterday.

•

Jack W. Fretwell of the State, Harrisonburg, Va., is a World's Fair visitor.

•

Herman Robbins, Toby Gruen, George Dembow, Charles E. McCarthy, William A. Scully, Maurice Bergman and Max A. Cohen at Nick's Hunting Room in the Astor for lunch yesterday.

•

Harry E. Wessinger of the Carolina, Lexington, S. C., is vacationing here.

•

Monroe Greenthal, Morris Helprin, James Cron, Joseph Seidelman, Joseph Malcolm, Douglas Rothacker, Marvin Schenck and Harry Kosiner lunching at the Tavern yesterday.

Three-Trailer Plan For 'Correspondent'

Hollywood, July 11.—Three trailers are being made by Walter Wanger for his "Foreign Correspondent," to be released by United Artists. The first, 80 feet long, will incorporate scenes directed by Alfred Hitchcock; the second, 120 feet, will stress the film's leading players, and the third, 265 feet, is a general one. They will be released three weeks, two weeks and one week prior to first run openings.

E. E. Webber Dies

Kansas City, July 11.—E. E. Webber, exhibitor here for 10 years before his retirement in 1939, died this week at the age of 60. Webber, who formerly operated the suburban Colonial and Mary Lue, is survived by E. E. Webber, Jr., a son, who was president of the local exhibitor organization two years ago.

No Appeal on 'Wives'

Albany, July 11.—The State Education Department's law division, which handles New York State censorship appeals, has received no appeal from the State's ban on "The Merry Wives," distributed in this country by Edgar E. Lloyd, it was said here today.

Slot Machine Films Subject to Censor

Albany, July 11.—The New York State censor board plans to watch closely the use of slot machine films in the state, it was indicated here today.

"Any motion picture film which is displayed with admission charge in New York State is subject to review and needs a state seal," Irwin Esmond, censor chief, told *Motion Picture Daily* today. None of the slot machine films has yet been submitted for review, he said.

Schine Suit Reply Due in 40 Days

Buffalo, July 11.—The Schine Circuit and the major distributors, defendants in a Government anti-trust suit in Federal Court here, have 40 days in which to answer the bill of particulars served on them early this week, according to U. S. Attorney George L. Grobe. Trial of the action is now expected early in November.

In line with other information furnished by the Government in its bill of particulars, the U. S. attorney supplied a complete list of film theatres acquired by the Schine Circuit during the past several years. The list, containing the names of 135 houses, covers towns in New York, Ohio and Kentucky.

Smith Is Due from Europe on July 18

Harold Smith, European representative for the M.P.P.D.A., whose headquarters formerly were in Paris, is due here with his family next Thursday or Friday, when the *Manhattan* is scheduled to arrive from Lisbon. The ship is scheduled to leave the Portuguese seaport today, after long delay in an effort to gather as many refugees as possible.

It is believed that several other European executives of American film companies are on board, but an accurate check is impossible under the present circumstances.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"NEW MOON" AND "ANDY HARDY MEETS DEBUTANTE" ARE HOLD-OVER SENSATIONS!

Reunited! Jeanette MacDonald and Nelson Eddy! And the Cash Register is Red Hot!

Reunited! Mickey Rooney and Judy Garland. They're topping sensational "Babes in Arms"!

It's WINTER at the Box-Office when you play M-G-M's Summer Life-Savers!

"NEW MOON"—2nd Week of S. R. O. Biz at Columbus, Cleveland, Baltimore, Harrisburg, Hartford, New Haven, Washington, D. C., Denver, Salt Lake, San Francisco, Spokane, Los Angeles (Playing 2 Theatres Day and Date). And More to Come!

"ANDY HARDY MEETS DEBUTANTE"—2nd Record Breaking Week at Columbus, Cleveland, Dayton, Hartford, Atlanta, Houston, Detroit, Chicago, Indianapolis, Kansas City, Louisville, Providence, Reading. And More Every Day!

Separate Peace With 'Big 5' Seen in Suit

(Continued from page 1)

Government attorneys acting as the go-betweens. But Universal, Columbia and United Artists are described as having been non-committal.

It is the proffer of an "escape" clause by the Government to the Big 5, according to spokesmen, that suggests the possibility of a separate peace.

The means by which the Big 5 intend to bring about certain reforms are reported as:

(a) Trade showings before selling.

(b) Local buying.

Among the benefits to be derived from such reforms are:

1. Exhibitors will have the right of selection of product.

2. National and affiliated circuits will have to compete in bidding for product.

3. Product will have to be purchased in the respective exchange area of the theatres served.

The possibility of a separate peace with the Big 5 comes on the heels of an earlier report which circulated through trade circles yesterday that the armistice talks were on the verge of a collapse, because of the attitude of Universal, Columbia and United Artists.

In some circles, that belief still prevails despite the apparent progress which is reported towards an effective settlement.

Discrimination, overbuying, clearance will be subject to arbitration, it is asserted.

Today, representatives of the Big 5 meet again with Government attorneys. Later in the day, perhaps, the Government men may meet with lawyers of Universal, Columbia and United Artists.

In the meantime, it is planned that a further week's postponement of the date of trial until July 22 shall be sought on Monday from Federal Judge Henry W. Goddard.

WHEN the first printer's type was being delivered to the Island of Pango Pango the case containing the "n's" dropped overboard. As a result the first newspaper mast-head appeared "Pago Pago" although it has been pronounced "Pango Pango" ever since.
EDWARD SMALL'S PRODUCTION OF
"SOUTH OF PAGO-PAGO"
RELEASED THRU UNITED ARTISTS

Feature Review

"The Boys from Syracuse"

(Mayfair-Universal)

TO a motion picture public unquestionably groggy from scare headlines about defense, "Fifth Column," blitzkreigs and general world calamity. "The Boys from Syracuse" is the kind of screen entertainment the doctor ordered.

If the prime function of the screen is to purvey entertainment—and this is one time above all when it is needed—this musical item of delightful nonsense serves that function to perfection. Based on the Broadway musical hit by George Abbott, Richard Rodgers and Lorenz Hart of the same title, its transformation to the screen has caused it to lose none of its pep and bounce and general all-around entertainment value.

It's a tuneful yarn of ancient Greece, of twin brothers lost for many years, and their twin-brother lackeys, likewise lost, of mistaken identity when the two from defeated Syracuse sneak into victorious Ephesus in search of their father, sentenced to be hanged. It's all a mixup, and all good fun, elaborately staged, climaxed with a crackling chariot pursuit, and played to the hilt, musically and otherwise, by Allan Jones and Joe Penner, in the dual roles of twin officer brothers and twin servants, respectively; Martha Raye, Rosemary Lane, Charles Butterworth, Irene Hervey, Alan Mowbray, Eric Blore and Samuel S. Hinds. That's the whole cast, outside of a horde of armoured and long-gowned extras, but they all deserve mention.

The Jules Levey production was directed with a fine touch by Edward Sutherland, from a screenplay by Leonard Spigelgass and Charles Grayson. The tunes that helped to make the stage musical successful are all here, rendered skillfully by Jones, Penner, Miss Raye and Miss Lane.

Clever touches like the sale of frozen ice cream sticks from a bell-laden chariot, and the straphanger in the elongated chariot-horsecar will tickle the funny bones of any audience—and so will the rest of the film.

Running time, 73 minutes. "G."* CHARLES S. AARONSON

---

*"G" denotes general classification.

NBC Prepares for Television Soon

(Continued from page 1)

will soon act on 19 pending applications.]

NBC has not yet decided on the starting dates for construction of the two new stations, it was said. However, it is to be noted that the new application forms require a statement showing the number of days after the granting of the license in which construction and operation will start.

The network is looking forward to an agreement on television standards and permission for commercial programs before the end of the year, it was said. It was pointed out that the FCC is now appointing a committee composed of engineers representing all phases of the industry and this group should come in with definite recommendations.

Loew's N. Y. Houses Revamp Ad Setup

(Continued from page 1)

$200,000 has been set up for the newspaper directories, covering a limited number of papers. The schedule will be expanded, if the experiment is a a success, until a total budget of about $400,000 is used annually.

While in other large cities, neighborhood houses use newspaper directories, this type of advertising has not been used to any great extent in New York. Because of their large circulations, New York newspapers were hesitant in setting up low enough neighborhood space rates. This obstacle has been gradually hurdled, opening the way for the New York neighborhood theatres to utilize newspaper space.

Peaslee Allied Head; W. A. Steffes Retires

MINNEAPOLIS, July 11. — E. R. Peaslee, Stillwater, Minn., was elected president of Allied Theatre Owners of the Northwest at the final session of the organization's annual convention here today. He has been vice-president.

Peaslee succeeds W. A. (Al) Steffes — long a "wheelhorse" in Allied activities — who asked for a six months' leave of absence because of ill health. Steffes has been inactive since January. The convention adopted a resolution lauding Steffes for his services to Allied.

Surprise of the meeting was the election of Fred Strom, projectionist at the Mount Theatre, St. Paul, as executive secertary. The choice was made by the directors as a "dark horse" selection.

Hiller Hoffman of St. Paul was elected to succeed Peaslee as vice-president.

Resolutions adopted were in opposition to double features and 16mm. films for public showings, and opposed buying for the new season until the distributors make price cuts. No action was taken on a proposal for a buying combine.

Small Plans Feast At 'Pago' Opening

HOLLYWOOD, July 11.—Following the preview of his new picture for United Artists release, "South of Pago Pago," Edward Small will play host at the studio at an authentic South Seas *luau* or feast, on Monday evening.

It will be held out doors. The menu has been prepared by a South Seas food expert, with native dishes predominating. Samoan music—and native dancing girls will set the stage.

War Impels Cutting RKO Fees: Schaefer

(Continued from page 1)

enues; and $7,817,329 in 1939, representing 81 per cent of foreign revenues and 27 per cent of world revenues.

RKO's cash from all foreign territories for the 31 weeks ending Ju[illegible] 1940, was $3,689,531 in compar[illegible] with $4,789,531 for the corresponding period last year, the affidavit continued. Furthermore, Schaefer said, the income from the United Kingdom, the greatest single source of foreign revenue, was $881,254 from June 5 to October 28, 1939, in comparison with the maximum possible cash receipts of $360,000 for the same period in 1940, because of the so-called "Embassy Agreement" on currency withdrawals, under which film companies are now operating in the United Kingdom.

As further evidence of the uncertainty of business in the British Isles, Schaefer stated that the "Embassy Agreement" would expire in October of this year and that there was no certainty that business could be continued with England during the next stages of the war.

Schaefer related that RKO had cut all employes' salaries in excess of $4,500 yearly from 10 per cent to 50 per cent. Normally, he said, RKO could borrow from bank and other financial institutions to obtain essential working capital. However, since these banks must now look to the domestic market for the entire recoupment of their loans, these concerns may limit their extensions of credit. Moreover, he said, KAO had recently spent $250,000 for additional theatre property and a substantial dividend from that company was "problematical."

'Heaven' $110,000 Music Hall Smash

(Continued from page 1)

up during the evening as many turned to the film houses for amusement instead of the World's Fair, parks and the beaches.

Personal appearances will be made tonight at the Strand and Roxy where new films open. "My Love Came Back" will open at the Strand with Rudy Vallee and his band as the stage attraction. Jeffrey Lynn, who co-stars in the film, will make two stage appearances. At the Roxy, "Maryland" will bow, with Brenda Joyce making a stage appearance at the 9 o'clock show.

"Private Affairs," which ran eight days with a stage show at the Roxy, drew an estimated $29,000 for the period. "Susan and God" opened at the Capitol yesterday following a third week of "The Mortal Storm," which grossed an estimated $20,000.

Aided by the holiday, "Gone With the Wind" jumped to an estimated $9,000 for its 29th week at the Astor. The house is still selling tickets four weeks in advance and no closing date has been set.

For its second week at the Strand, "The Man Who Talked Too Much" with Bob Crosby's band on the stage, grossed an estimated $17,000.

DO NOT REM

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 10 — NEW YORK, U. S. A., MONDAY, JULY 15, 1940 — TEN CENTS

U. S. Pursues Peace Plan With 'Big 5'

Negotiations for Decree Resume Tomorrow

Attorneys for the Government and the Big 5 tomorrow will resume discussions of a separate peace providing for a consent decree settlement of the New York anti-trust suit, without Universal, Columbia and United Artists being included, at least for the time being.

Government attorneys on Friday reported to the Big 5 that the other three companies were non-committal on their participation in a consent decree settlement. This was not unexpected. The Government had learned the attitude of Columbia, Universal and United Artists the day before. The issue in dispute is that of block booking, it is asserted.

The Big 5 attorneys indicated to the Government their willingness to continue with the negotiations. The Government lawyers went to Washington after the conference.

The Government, it is reported, is seeking an "escape" clause for itself in the proposed decree. This, according to authoritative sources, would permit it to bring action to declare the decree void in the event the Government at any time should feel that it wants to reinstate the anti-trust trial.

RKO to Distribute Jenkins Fight Films

In the first deal for distribution of a fight film by a major company since the recent lifting of the Federal ban on the interstate transportation of fight films, RKO has arranged to distribute pictures of the Lew Jenkins-Henry Armstrong bout at the Polo Grounds Wednesday night.

The deal, for this one fight only, calls for production of the film by RKO Pathe News, with Frank Donovan supervising, under an arrangement with Madison Square Garden Corp. and the 20th Century Sporting Club, headed by Mike Jacobs. Prints of the Jenkins-Armstrong fight films will be available in the Metropolitan area Thursday morning, and elsewhere throughout the country on Friday.

It is understood that future fight film productions will be under the control of a new corporation to be set up by the Garden and the Jacobs

(*Continued on page* 4)

Canadian Industry Set for War Benefit

Montreal, July 14.—The Canadian film industry tonight was prepared for its contribution to the Canadian "Win the War" drive. Admission to virtually every film theatre in the Dominion tomorrow night will be by the purchase of War Savings Certificate Stamps, which will remain the property of patrons.

The industry drive, headed by N. L. Nathanson, is expected to net $1,000,000. Sir Cedric Hardwicke and other players will make personal appearances.

Circuits Grant AGVA Recognition

Agreement on all major points of an employment contract was reached over the weekend at a conference between representatives of the American Guild of Variety Artists and seven circuits, including Loew's, RKO, Warners, Paramount, Skouras, Fabian and Brandt.

Contracts will be drafted this week and will be signed when Hoyt Haddock, A.G.V.A. executive secretary, returns from a two-week trip to branches and Hollywood, on which he left yesterday.

The way to the agreement, which covers all stage presentations and

(*Continued on page* 4)

RKO TO REDUCE COOPERATIVE ADS

Will Cut $500,000 Annual Cost by 75 Per Cent; Others to Follow

By SAM SHAIN

RKO, with a view to eradicating "certain evils" in cooperative advertising with exhibitors, has decided to make a drastic reduction in this form of expenditure.

The company, according to authoritative spokesmen, is aiming to cut down its annual appropriations for such advertising by 75 per cent. It is estimated by company officials that in late years the average amount which has been spent yearly by RKO is $500,000.

Other major companies are expected to follow in RKO's steps. Should they do so, as it has been intimated in official quarters, cooperative advertising, upon which the major companies spend annually an estimated $4,000,000 to $5,000,000, will be tremendously reduced. In the future this money will be devoted largely to national advertising.

The major companies every year have given consideration to this problem, but this is the first time that such drastic steps have been taken.

Company spokesmen state that they have been very much disturbed by the practice of exhibitors in cutting down on advertising and general exploitation budgets, and in order to alleviate the burden which such exhibitor action

(*Continued on page* 4)

Television Gets Films

Independent Hollywood producing companies have expressed considerable interest in renting old films to NBC for telecasting, an NBC official disclosed yesterday. Previously all film purchases were made from companies in New York.

A deal with Colony Pictures for four Ken Maynard Westerns which were produced in 1938 has just been closed. This is in addition to a number of Westerns previously obtained from Colony. Astor Pictures has also rented "His Double Life" with Roland Young to NBC. This film was originally released by Paramount in 1933.

NBC is looking forward to a new source of supply from producers of 16mm. three-minute shorts which are intended for use in coin motion picture machines. It was pointed out that a large number of prints will be available and the rental cost to television will probably be nominal.

These films are almost ideally suited for television because they can be used singly as "fillers" or grouped

(*Continued on page* 4)

Trammell New NBC Head

NILES TRAMMELL, who rose from RCA salesman to executive vice-president of NBC, this morning will assume his new duties as president of the broadcasting company, to which he was elected by the directors on Friday.

Niles Trammell

That Trammell would succeed Lenox R. Lohr was indicated when Lohr's resignation was announced June 7. David Sarnoff, RCA president and chairman of the NBC board, pointed out that Trammell, who joined RCA 17 years ago, had "risen from the ranks."

The new head of NBC, who is 46 and a native of Georgia, after Army service as lieutenant through World War I and until 1923, in that year joined RCA as commercial representative of the traffic department in San Francisco. In 1925 he was appointed assistant sales manager on the West Coast.

He held this position until March, 1928, when he joined NBC in New York. Two months later he was transferred to Chicago as manager of the Central division. In March, 1929, he became a vice-president of NBC. He was appointed executive vice-president on Jan. 1, 1939, and came to New York.

Hearings on RKO Allowances Closed

Federal Judge William Bondy on Friday closed all hearings on final allowances in reorganization proceedings of RKO when Thomas K. Finletter, attorney for RKO, failed to appear on his application for an allowance.

Finletter had represented RKO during hearings on applications of all other parties for fees and expenses. Motion papers were filed with Judge Bondy at the same time by F. J. Sullivan to strike out all recommendations made at the hearings by the Securities and Exchange Commission on the ground that the S.E.C. had no right to intervene in the proceedings. Sullivan himself is an applicant for $64,500 in fees. Judge Bondy reserved decision on the application.

Breakfast and All

MEMPHIS, July 14.—A local theatre yesterday offered a Saturday show, starting at 6 A.M. with breakfast, a feature at 6:30, and patrons able to leave the house by 8 A.M., at a regular admission price.

Newsreels Ready For Democrats' Meet

The five newsreels have set the stage for complete coverage of the Democratic National Convention opening today in Chicago. The proceedings will be given the same treatment as the Republican convention in Philadelphia.

Edmund Reek, general manager of Movietone News, left last night to direct his company's crew. Anthony Muto, Movietone's Washington representative, handled arrangements for the reel. William P. Montague will direct the Paramount crew and J. C. Brown will have charge of News of the Day's five cameramen. RKO Pathe will have two sound and one silent crews with George Dorsey, Washington manager, directing. James Lyons of Washington with a crew of five will be on hand for Universal.

Movietone News Men Here from Europe

Russell Muth, European manager for Movietone News, formerly with headquarters in Paris, accompanied by Arthur De Titta, his assistant, Mrs. De Titta and Herman Blumenfeld, arrived here by Clipper late last week. Muth said he came over to report to Truman Talley, head of the newsreel, and that he plans to return to Europe.

Dean of Critics Dies

ST. JOHN, N. B., July 14.—Jimmy Power, 75, dean of Canadian drama and film critics, is dead of a heart attack. For more than 45 years he wrote for Halifax newspapers.

Personal Mention

FRANK C. WALKER left last night for the Democratic National Convention in Chicago.

•

LEONARD GOLDENSON and SAM DEMBOW, JR., of the Paramount theatre department, returned over the weekend from the Paramount theatre partner's meeting in Chicago.

•

MR. and MRS. JOHN MORONEY are in town from Dallas.

•

LAUDY LAURENCE, M-G-M head in Continental Europe, with his wife and child, now are due on the Clipper from Lisbon today. They were left behind when the Clipper which left Lisbon on Friday had to be lightened at the last moment on orders from the U. S.

•

EDWARD GREENBERG of the Warner home office advertising staff is vacationing at a dude ranch.

•

JACK ROSENZWEIG, manager of the Manchester, St. Louis, is in town.

•

PHIL DUGAN of the Warner Theatre contact office, New Haven, is at the National Guard camp at Fisher's Island.

•

JAMES CASEY of the Colonial, Canaan, Conn., is vacationing in Boston.

ALEXANDER KORDA and BASIL BLECK, his attorney, returned to the Coast by plane on Friday night. VINCENT KORDA, art director of his brother's Hollywood organization, left for the Coast by train.

•

STEPHEN PALLOS, head of London Film Export, Ltd., London, will be here indefinitely.

•

HENDERSON M. RICHEY, head of exhibitor relations for RKO, returns today from the Northwest Allied convention in Minneapolis.

•

GEORGE W. BRANDT, son of MR. and MRS. WILLIAM BRANDT, and VIVIENNE MANDELBAUM were married yesterday at the Hotel Astor.

•

WILLIAM A. KEYES, owner of the Victory, was elected president of the Ohio Real Estate Association at its recent convention in Columbus.

•

HARRY TURBERG, co-manager of the Northio Palace, Hamilton, O., is in Christ Hospital, Cincinnati, where he underwent an operation.

•

GERALD STARK of the Plaza, Buffalo, is in town visiting the Fair.

•

WILLIAM SMITH, operator of the Majestic, Abilene, Tex., is visiting here.

N. M. Schenck Back From Visit to Studio

Nicholas M. Schenck, president of Loew's, Inc., returned from the Coast over the weekend after several days viewing new product with William F. Rodgers, general sales manager.

Rodgers left Hollywood over the weekend. After visiting San Francisco and Seattle, he will return to the home office next Monday.

Buffalo Suit Charges Illegal 'Nation' Prints

BUFFALO, July 14.—Epoch Producing Corp. of New York and Thomas Dixon in a suit filed in Federal Court here charge Charles H. Tarbox and the Film Classic Exchange with making copies of "Birth of a Nation" without the knowledge or consent of Epoch, which claims to hold all rights to the film.

The complaint is signed by Harry E. Aitken of New York, president of Epoch and long associated with the distribution of the David Wark Griffith film. Aitken seeks damages and an injunction against alleged rental, sale and exhibition of the picture.

The history of "Birth of a Nation" is recounted in the complaint. Rights and title were assigned to Epoch in 1915 by the Majestic Motion Picture Co., the complaint says. Howard R. Sturtevant is attorney for the plaintiff.

Henigson Due Today

Henry Henigson of Globe Pictures Corp., accompanied by David Diamond, Coast representative for Fortrade Corp. of America, is due here by plane today for conferences with executives of Fortrade concerning two productions to be made for James Roosevelt.

Duvivier, Clair Arriving

Julien Duvivier and Rene Clair, French directors, will produce and direct two films each for Transcontinental Films in Hollywood, it was said over the weekend by Paul Graetz, head of the company. Duvivier is due from Europe today and Clair next week.

Monogram Meeting Here on Thursday

Seven Monogram exchanges will be represented by their complete personnel at an Eastern district regional meeting at the Barbizon-Plaza Hotel here next Thursday and Friday. Edward A. Golden, general sales manager, will preside.

The seven exchanges are: New York, Philadelphia, Washington, Boston, New Haven, Albany and Buffalo. W. Ray Johnston, president, is expected to fly here from the Coast to address the meeting.

Represent 35 Per Cent of Gross

Golden pointed out that the seven exchanges represent 35 per cent of the company's national gross business. Sales policy for the new season will be the chief topic of the two-day session. Harry H. Thomas, general manager of the company-owned New York, Philadelphia and Washington exchanges, will bring the complete personnel of his branches to the meeting.

From the home office the following will attend: Thomas P. Loach, vice-president and treasurer; Norton V. Ritchey, manager of the foreign department; Louis S. Lifton, director of advertising and publicity; Edward G. Schieber, assistant treasurer; Lloyd Lind, head of the contract department; John S. Harrington, print and accessories manager; Joseph Lamm, chief accountant; H. G. Davis, personnel and office manager.

Those Attending from Field

Representing the New York exchange, in addition to Thomas, will be: Joseph J. Felder, manager; William Moses, circuit representative; Lester Tobias, Richard Perry, Sol Kravitz and Jules Chapman. Philadelphia will send Sam Rosen, manager; Moe Sherman, Samuel Palan and W. Z. Porter. From Washington will come Harry Brown, manager; Harry Crull, Arthur J. Hansen, and D. Price.

The Boston and New Haven delegations include Steve Broidy, manager and member of the Monogram board of directors, Leo F. Britton, Nat Furst, Eugene J. Gross and Herman Konnis. The Albany delegation consists of Nathan R. Sodikman, manager, and Mitchell Pantzer. From Buffalo will come Harry Berkson, president and manager, and Howard W. McPherson.

Exploitable!

the story of those 5 sisters in search of husbands!

PRIDE AND PREJUDICE

(M-G-M hit starring GREER GARSON & LAURENCE OLIVIER)

Coming Soon!

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

FOR THE EXCLUSIVE

FIGHT PICTURES

of the big bout to be held at the Polo Grounds New York, Wednesday, July 17, between

WORLD'S LIGHTWEIGHT CHAMPION

LEW

JENKINS

and

WORLD'S WELTERWEIGHT CHAMPION

HENRY

ARMSTRONG

WIRE LOCAL BRANCH OR HOME OFFICE..NOW BOOKING!

RKO RADIO PICTURES

Prints available in Metropolitan area Thursday, July 18th..
Everywhere else, Friday, July 19th

Television Getting Films From Coast

(*Continued from page* 1)

for a pleasant half-hour variety show, it was said. If the film coin machines prove popular there will probably be a steady source of supply. In addition, the producers of such films are not likely to fear complaints from theatre owners, it was said, and the bar and dance hall proprietors are not likely to find a one-time show on television competition for their machines.

At present, most of NBC feature films are Westerns, and there is little effort being made to find better product. This was explained yesterday on the ground that the Westerns are receiving a rating of "two" from the audiences which rate the attractions each week. "Two" is equivalent to "good" and as long as this type of entertainment continues to please, there is a reluctance to spend more money for more expensive features, it was explained, even if major product were available. At taverns and bars, where a great many receivers have been installed, the long film features are not popular and better product would result in only a slightly increased audience rating, it was said.

Meanwhile, NBC intends to continue its regular service of five matinee and five evening programs weekly over W2XBS, the New York station. Although costs have been cut by the elimination of most of the extensive studio productions the 10 periods will be filled with outside pickups of sporting events, films and occasional studio shows. Until there is some definite decision on standards and commercialization, no effort will be made to return to the old schedule which sometimes ran up to 15½ hours a week during the Republican convention.

RKO to Reduce Cooperative Ads

(*Continued from page* 1)

has correspondingly placed on the producer and distributor, the latter has had to act in self-protection.

RKO, in the future, it is asserted, intends to do cooperative advertising only in special situations, as the individual circumstance warrants.

Other major company executives assert that the cooperative advertising problem has become increasingly worse over the years, not from the standpoint that the distributors and producers have been unwilling to cooperate this way, because they have, but because the exhibitor has been shortsighted enough to trim his own advertising and to expect the distributor to carry most of the load.

Publicity for Publicist

Charles Einfeld, director of advertising and publicity for Warners, is the subject of an article in the current issue of the weekly magazine, *Friday*. Considerable space is devoted to the Einfeld campaign on the "Oomph Girl," Ann Sheridan.

Hollywood Reviews

"Young People"

(*20th Century-Fox*)

HOLLYWOOD, July 14.—"Young People" is Shirley Temple's "swan song" at 20th Century-Fox, and is the story of a little girl growing up in vaudeville with her foster parents, to their retirement and life on a New England farm. By use of portions of musical numbers from three of her earlier films, the transition of the girl up to the present is shown. Acting as her foster parents are Jack Oakie and Charlotte Greenwood, both of whom give excellent humorous characterizations. Chief love interest is supplied by Arleen Whelan and George Montgomery.

Harry Joe Brown produced the film, with Allan Dwan as his director. Edwin Blum and Don Ettlinger wrote the screenplay. Music and lyrics for five additional numbers were supplied by Mack Gordon and Harry Warren.

The preview audience at the Westwood Theatre applauded uproariously, and gave every indication of being thoroughly entertained.

Running time, 78 minutes. "G."* VANCE KING

---

*"G" *denotes general classification.*

"We Who Are Young"

(*M-G-M*)

HOLLYWOOD, July 14.—There will be varying audience opinion on "We Who Are Young," a grim portrayal of the struggle of two young married people against loss of jobs, preying of loan sharks, loss of furniture, going on relief, and impending childbirth in the face of dire poverty. The scene is New York. The couple, just married, run up against money troubles their first week. On relief for three months, and with his wife expectant, the man in a frenzy starts work at a construction job "just to be doing something" without pay when the foreman has him arrested for trespass. The head of the construction company bails him out, gives him a job, the young man's former employer realizes that "money isn't everything," and twins are born.

Lana Turner and John Shelton enact the leading roles, Miss Turner doing a dramatic characterization which excites interest and Shelton, a newcomer, showing promise. Gene Lockhart, Grant Mitchell, Henry Armetta and Jonathan Hale head the supporting cost.

This M-G-M picture is the first American production effort by Seymour Nebenzahl, who produced "Meyerling," "M" and others. Harold S. Bucquet directed from an original screenplay by Dalton Trumbo.

Running time, 79 minutes. "A."* VANCE KING

"They Drive By Night"

(*Warners*)

HOLLYWOOD, July 14.—"They Drive By Night" is a vigorously, sometimes bawdily, told story of the trucking business, which takes in a panorama of rough and ready action, romance and an adventure in growing insanity. George Raft, Ann Sheridan, Ida Lupino and Humphrey Bogart are the principals in the film, which tells of the unrequited love of a married woman for an employe of her husband and her insane effort to involve him in a murder which she committed.

Many of the lines of dialogue in the Jerry Wald-Richard Macaulay screenplay are decidedly off color and have double meanings. It is an adaptation of A. I. Bezzerides' novel of Californian trucking. Supporting players include Gale Page, Alan Hale, Roscoe Karns, John Litel, George Tobias and Henry O'Neill.

Standout in the cast is Miss Lupino, whose portrayal of the wife in love with her husband's employe is a finely etched performance. When Raft turns down her advances, she kills her husband, Hale, making it appear as an accident. After she finds out that Raft is going to marry Miss Sheridan, she involves him in the murder. At his trial, she breaks down on the stand, her mind completely gone.

Raoul Walsh directed this Mark Hellinger production.

Running time, 95 minutes. "A."* VANCE KING

---

*"A" *denotes adult classification.*

'Rockne' Bows Sept. 15

HOLLYWOOD, July 14.—Gradwell L. Sears, Warners general sales manager, has set Sept. 15 as the national release date for "Knute Rockne—All American." Sears is here for studio conferences.

Penner Due Today

Joe Penner is due from the Coast today. He will attend the opening in Syracuse, N. Y., Thursday evening of the Universal film, "The Boys from Syracuse," in which he is featured.

Donald Immortalized

The event of modern publishing is expected to take place in October, with Random House the publisher and a first edition of 25,000 copies planned.

The subject of the important biographical work is one Donald Duck, a child (brain) of Walt Disney. The biography is near completion by one of Disney's staff on the Coast.

Circuits Grant AGVA Recognition

(*Continued from page* 1)

vaudeville in film theatres, was cleared last week by a decision by Ben Golden, arbitrator, in the dispute between the circuits and the union.

The major point of the decision was one permitting the circuit's booking offices to continue charging five per cent for booking acts. Golden also ruled on the number of performances to be played per week in certain classes of houses, but refused to reveal details.

However, with all points under serious dispute decided by the arbitrator, the final agreement was relatively simple.

A major victory for the union is its recognition as the sole collective bargaining agency for all stage performers except musicians. There was little argument about the number of performances per week or minimum salaries except in special situations and these terms were agreed upon early in the negotiations.

RKO to Distribute Jenkins Fight Films

(*Continued from page* 1)

club. Stanton Griffis, chairman of the executive committee of Paramount, is chairman of the board of the Madison Square Garden Corp., and Peter Rathvon of the RKO directorate also is on the Garden board.

It is believed this situation may result in some sort of a dual distribution arrangement on the future fight pictures by RKO and Paramount.

Pat O'Brien Free Lance

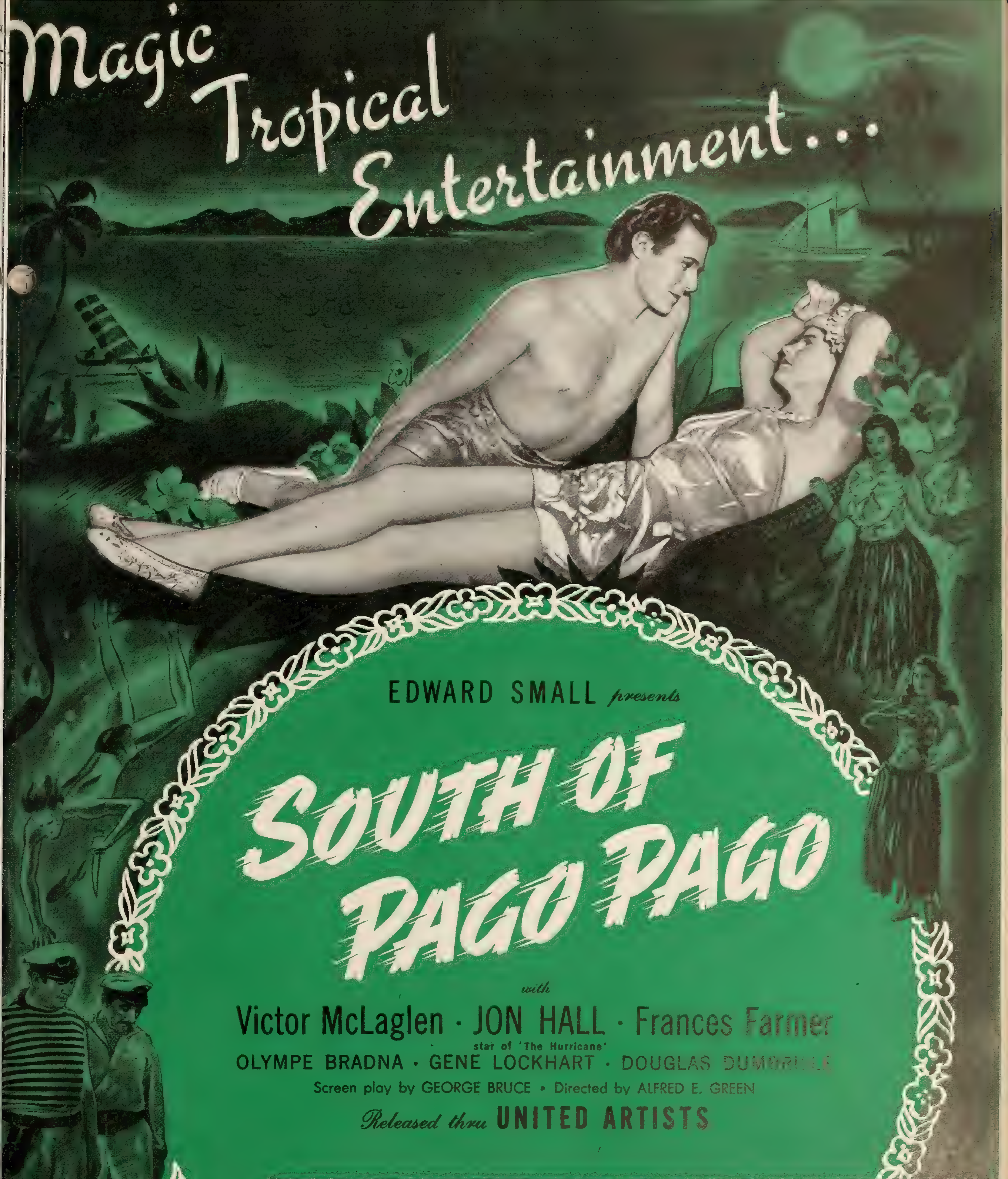
HOLLYWOOD, July 14.—Pat O'Brien, on the starring roster of Warners for the past seven years, has concluded his contract with that company, and is now functioning as a free lance player. His last film under the Warner pact is "Flowing Gold," just completed.

'Leopard Men' to Globe

E. L. McEvoy, vice-president and general sales manager of Select Attractions, Inc., has closed a contract with Harry Brandt for the New York opening of B. F. Zeidman's film, "Leopard Men of Africa," at the Globe on Broadway, July 27.

Weeks Starts Western

HOLLYWOOD, July 14.—George W. Weeks has started work on the first of his eight "Range Busters" Westerns for Monogram release. Roy Luby will direct from Jack Natteford's story.



EDWARD SMALL *presents*

SOUTH OF PAGO PAGO

with

Victor McLaglen · JON HALL · Frances Farmer

star of 'The Hurricane'

OLYMPE BRADNA · GENE LOCKHART · DOUGLAS DUMBRILLE

Screen play by GEORGE BRUCE · Directed by ALFRED E. GREEN

Released thru **UNITED ARTISTS**

THRILLS TO SELL . . .

● the battle of the lagoon . . white men dynamiting native war canoes! ● the undersea adventures of the daring pearl divers! ● the sinuous measures of the luau, native dance of love! ● the sailing ship adrift in the tropic seas . . manned by a dead crew! *and especially*...the romance of Jon (Hurricane) Hall and Shanghai Ruby (Frances Farmer) as they find love beneath those torrid tropic stars!

U. S. Pictures Schine Growth In Five States

Buffalo, July 14.—A picture of the Schine Circuit's expansion in recent years is given by the Government in a bill of particulars filed in U. S. District Court here in connection with its anti-trust suit against Schine.

The great majority of the houses are in Ohio and New York, with a number in Kentucky, Maryland and Delaware. The Government lists 135 theatre acquisitions, as follows:

Regent, Rialto and Strand, Amsterdam, N. Y.; Opera House and Palace, Ashland, O.; Athena, Court and Ohio, Athens, O.; Jefferson, Palace, Strand and Auburn, Auburn, N. Y.; Capitol, Ballston, N. Y.; Babcock, Bath, N. Y.; Court, Holland and Strand, Bellefontaine, O.; Southern, State, Ohio and Bucyrus, Bucyrus, O.; Granada, Jubilee and Riverside, Buffalo, N. Y.; Arcade and Grand Opera, Cambridge, Md.; Playhouse, Canandaigua, N. Y.; Strand, Carthage, N. Y.; Hippodrome and Kentucky, Corbin, Ky.

Theatres in Small Towns

Fox State, New Fox and Palace, Corning, N. Y.; Cortland, State and Temple, Cortland, N. Y.; Star and Strand, Delaware, O.; Strand, Dolgeville, N. Y.; Music Hall and Avalon, Easton, Md.; Rialto, East Rochester, N. Y.; Temple, Fairport, N. Y.; Roxy, Civic and State, Fostoria, O.; Regent, Temple and Geneva, Geneva, N. Y.; Empire and Rialto, Glen Falls, N. Y.; Glove and Hippodrome, Gloversville, N. Y.; State, Hamilton, N. Y.

Liberty, Herkimer, N. Y.; Strand, Hudson Falls, N. Y.; Hurlock, Hurlock, Md.; Capital and Opera House, Illion, N. Y.; New Kent and Opera House, Kent, O.; Palace, Lake Placid, N. Y.; New Waller, Laurel, Md.; Ben Ali, Kentucky, Strand and State, Lexington, Ky.; Rialto and Hippodrome, Little Falls, N. Y.; Hi-Art, Palace and Rialto, Lockport, N. Y.; Plaza and Malone, Malone, N. Y.

Additional Listings

Russel, Maysville, Ky.; Princess, Medina, N. Y.; Massena, Massena, N. Y.; Plaza, Milford, Del.; Lyris, Vine, Ohio and Vernon, Mt. Vernon, O.; Capital, Newark, N. Y.; Moose and Forum, Norwalk, O.; Colonial and Smalley, Norwich, N. Y.; Star, Strand and Pontiac, Ogdensburg, N. Y.; Oneonta, Palace and Strand, Oneonta, N. Y.; Capital, Richardson, Strand and State, Oswego, N. Y.

Bourbon, Paris, Ky.; Elmwood, Penn Yan, N. Y.; Auditorium, Perry, N. Y.; Ohio, Piqua and Miami, Piqua, O.; Ravenna, Ravenna, O.; Madison and State, Richmond, Ky.; Dixie, Grand, Liberty, Riviera, State, Cameo and Lake, Rochester, N. Y.

Andrews, Salamanca, N. Y.; Arcade, Salisbury, Md.; Pontiac, Saranac Lake, N. Y.; Strand, Seneca Falls, N. Y.; Castamba, Shelby, O.; Eckel, Paramount, Keith and Strand, Syracuse, N. Y.; Tiffin, Ritz and Grand, Tiffin, O.; State, Tupper Lake, N. Y.; Strand and Van Wert, Van Wert, O.; Avon, Olympic and Palace, Watertown, N. Y.; Capital, Whitehall, N. Y.; and the Wooster, Opera House and Wayne, Wooster, O.

Feature Reviews

"Carolina Moon"

(Republic)

GENE AUTRY, Smiley Burnette, June Storey and Mary Lee shift their activities to the run down plantations in the Carolinas where there are just as many bad men as on any Western plain. There are several renditions of that popular hit tune, "Carolina Moon" as well as "Me and My Echo," "Say Si Si," "Dreams That Won't Come True," "At the Rodeo" and some spirituals by the plantation darkies.

Mary Lee, who is coming up fast as a popular juvenile, joins in the singing on several occasions and should increase her popularity with audiences by this performance. Gene and Smiley enter a rodeo where they find that Miss Storey is trying to compete with a thoroughbread horse as her mount. Gene advises her against entering so sensitive an animal but she insists. Later, Gene purchases the thoroughbred but is somewhat surprised when he learns that Miss Storey and her family have returned home without delivering the animal.

He traces them to their Carolina home where he discovers that all the plantation owners are in danger of being swindled out of their land by speculators who seek the rich pine forests. Gene stops the swindle and the film winds up in a battle royal between cowhands and lumberjacks with both sides swinging axes.

Frank McDonald directed and William Berk was producer. Winston Miller wrote the story from an original by Connie Lee.

Running time, 65 minutes. "G."* EDWARD GREIF

"Tengo Fe En Ti"
("I Believe in You")

(Victoria-RKO)

A Spanish musical drama, this was produced in Hollywood by Victoria Films for RKO release. Rosita Moreno is starred, with Jose Crespo, Romualdo Tirado and Franco Puglia, popular with Spanish audiences, in top roles. John Reinhardt directed.

Told in first person fashion, Puglia, as an aged dancing professor, recounts the episodes of the story. Miss Moreno is a noted ballet dancer who dies in the early sequences. Following her death, Puglia finds the dancer's daughter in Paris and like her mother, the child is taught the intricacies of the ballet by him. Picking up years later, the girl, also portrayed by Miss Moreno, and her teacher go to Hollywood. There she impresses Crespo, a film producer, and becomes a star. Tirado is effective as an amusing booking agent.

Running time, 70 minutes. "G."*

**"G" denotes general classification.*

16mm. a Problem Upstate But Not Serious Elsewhere

Following are additional reports on the extent of 16mm. competition to theatres, which has been subject of protest by exhibitor organizations:

Albany, July 14.—Near Canton and Watertown, in upper New York, specifically around Faust, St. Regis, Brasher Falls and near Potsdam 16 mm. films have a good foothold and are known to have taken some patronage form larger towns and small cities in that vicinity. Recently, however, a Utica exhibitor has announced his intention of opening in one or two of the towns where no theatre now operates.

Northwest Is Untroubled

Seattle, July 14.—The Pacific Northwest territory at present is almost completely free from the competition of 16 mm. films, according to a check by James M. Hone, executive secretary of the Washington state independent theatre owners.

In anticipation of future competition, however, the exhibitors of this district have joined with the Pacific Coast Conference of Theatre Owners in adopting a resolution against the distribution of 16 mm. film by major producers, or the showing of such films by non-theatrical competition.

No Problem in Iowa

Des Moines, July 14.—A check reveals that there is very little 16 mm. film used in Iowa. Those that are in operation for the most part are with the use of portable machines during the Summer months in situations where there are no theatres. A good deal of the material thus shown is of an educational nature. Exhibitors have had no competitive problem with the 16 mm. shows.

No Scranton Competition

Scranton, Pa., July 14.—No competition has been reported from 16 mm. films here, although nearby amusement parks have been announcing free old time films once a week. An increase in non-theatrical showings by civic, religious and school groups has been reported. Virtually the same situation exists in the Wilkes-Barre area.

Showmanship Flashes . . .

Hardy Congratulations In New England Campaign

On "Andy Hardy Meets Debutante" the Loew-Poli New England circuit arranged to have the mayors of six large New England cities extend congratulations to the Hardy Family on their third anniversary. The messages were consolidated into a 15-minute transcription, complete with music and picture and theatre credits. They were played over local stations. Division Manager Harry Shaw and Lou Brown, publicity man, arranged the stunt.

Haunted House Search Aids 'Ghost Breakers'

Superior, Wis., July 14.—An appeal to local residents in his search for a haunted house, even though it was fruitless, provided a good gag for Harvey Buchanan, manager of the Palace, in his exploitation of "Ghost Breakers." Buchanan said he knew a reporter and photographer who would spend a night in such a house, if one could be found.

Edison Models Used For Film in Philadelphia

Philadelphia, July 14.—In conjunction with the showing of "Edison, the Man" at the Jackson Theatre here, Bud Freeman, exploitation director of the house, has arranged a lobby exhibit of the inventions and models of Thomas A. Edison. The display models were obtained through the cooperation of the Franklin Institute here and Thomas A. Edison Inventions of West Orange, N. J.

Tax All Admissions, St. Louis Unit Urges

St. Louis, July 14.—The M.P.T.O. of St. Louis, Eastern Missouri and Southern Illinois, of which Fred Wehrenberg is president, has passed and forwarded to Congressmen a resolution urging there be no exemptions from the recent Federal admission tax, which set the exemption at 20 cents.

Citing among the undesirable results of the 20-cent exemption in the amended law, the M.P.T.O. notes the policy of some exhibitors in lowering admissions below the exemption figure, thus obtaining an advantage over the exhibitor who "patriotically responded to the Government call."

"Price cutting begets price cutting," the resolution said, and foresaw "a general demoralization of the show business" as well as defeat of the Government's objective.

"The law seems to place a premium on 'chiselling' by unfair business men —action that threatens the entire price structure of the theatre industry," the resolution declared.

Ed Kuykendall, president of the M.P.T.O.A., in a recent bulletin to members recalled that a move is under way for a revision of the Federal tax structure, which will probably include a tax on all admissions of 10 cents or more. Legislation to this effect may be introduced in the January session of Congress.

Fights Louisville Sound Truck Ban

Louisville, July 14.—Sam Maupin, local sound truck operator, was back in Circuit Court again the other day, protesting that the city's new anti-noise law prevents him from making an honest living.

He is seeking an injunction against the city, claiming the playing of "suitable music is pleasing to all citizens who love music, which serves as a tonic to overwrought nerves."

'Earthbound,' Show $23,000, Milwaukee

Milwaukee, July 14.—"George White's Scandals" and "Earthbound" at Fox's Wisconsin led with $23,000. Sally Rand and "I Can't Give You Anything But Love" at the Riverside drew $18,000. A personal appearance at the Warner of Jeffrey Lynn helped account for $10,500 for "My Love Came Back" and "Anne of Windy Poplars."

Estimated takings for the week endings July 10-12:

"My Love Came Back" (W. B.)
"Anne of Windy Poplars" (RKO)
WARNER—(2,400) (30c-40c-55c, including tax) 7 days. Gross: $10,500. (Average, $4,500)
"I Can't Give You Anything But Love" (Univ.)
RIVERSIDE—(2,700) (33c-44c-55c) 7 days. Stage: Sally Rand. Gross: $18,000. (Average, $6,500)
"New Moon" (M-G-M)
"Florian" (M-G-M)
STRAND—(1,400) (30c-40c-55c, including tax) 7 days. Gross: $1,500. (Average, $1,500)
"Earthbound" (20th-Fox)
WISCONSIN—(3,200) (40c-65c, including tax) 7 days. Stage: "George White's Scandals." Gross: $23,000. (Average, $5,500)
"Andy Hardy Meets Debutante" (M-G-M)
"Four Sons" (20th-Fox)
PALACE—(2,400) (30c-40c-55c, including tax) 7 days, 2nd week. Gross: $3,600. (Average, $4,000)

Receiver Is Named For Pacific National

Wilmington, Del., July 14.—Chancellor W. W. Harrington has named William H. Foulk, Wilmington attorney, as receiver for Pacific National Theatres, Inc., dissolved Delaware Corporation, in Chancery Court here. The appointment was made on advice of Vice-Chancellor George B. Pearson.

At the same time the court signed an order granting leave to intervene to Helen B. Barnaov, Charlotte D. Fenn, H. W. Merkley, Louis W. Bartel and F. E. Long as additional complainants in the suit against the firm pending in Chancery Court. Margaret M. Stevens and W. Ernest Choate, San Diego, Cal., stockholders, are complainants, having filed an action asking the appointment of a receiver for the company, which operated theatres in California, rather than appointment of the directors as trustees in dissolution. The corporation was dissolved in 1937.

Vandals Slash Screen

Columbus, O., July 14.—Vandals entered the Hollywood, neighborhood house, after closing time recently and slashed a $400 fiber screen. The house is a unit in the local circuit of Fred W. Rowlands, who is unable to assign any cause for the act.

Critics' Quotes . . .

"ALL THIS, AND HEAVEN TOO" (Warners)

Rich film fare . . . a lot of movie, a lot for your money; heavy, solid and satiating.—*Cecelia Ager, PM.*

An oftimes searching and absorbing, albeit lengthy, film which is lifted to great heights at times by the acting of the incomparable Bette Davis.—*William Boehnel, New York World-Telegram.*

A handsome production . . . lavishly mounted and spun out with a careful attention to detail in the matter of the custom and costumes of the period . . . Boyer does another "Mayerling."—*Rose Pelswick, New York Journal American.*

The Davis and Boyer performances are as splendid as you would expect . . . No pains have been spared to make this production one of the year's leaders.—*Archer Winsten, New York Post.*

A strange picture, heavy with suppressed emotion, as tight-lipped as the performance of its star . . . a curious literary quality to the entire production . . . production is handsomely set and costumed. The musical score, by Max Steiner, is excellent.—*Eileen Creelman, New York Sun.*

A dramatic, beautiful picture that the film industry may well acclaim. . . . Miss Davis gives the best performance of her career. . . . Boyer is superb.—*Lee Mortimer, New York Daily Mirror.*

A respectful, painstaking adaptation of the first part of Rachael Field's best seller. . . . Ernestly acted, zealously directed . . . bound to attract crowds and more than satisfy those who can appreciate its abundant artistry and, at the same time, forgive its length.—*Wanda Hale, New York Daily News.*

A tear-laden old-fashioned drama—and a very heavy one, too.—*Bosley Crowther, New York Times.*

If ever there was what the showmen—in joyous anticipation of big profits—call a woman's picture, this is it . . . brought to the screen with consummate skill and the film is a compelling and definitely entertaining strip of celluloid that warrants your attention.—*Garrett D. Byrnes, Providence Journal.*

"SUSAN AND GOD" (M-G-M)

A lot of good stuff in this picture if you can find it between the long winded speeches that slacken your interest in the characters. . . . Miss Crawford has strong support in this film that glitters with glamor and handsome sets.—*Wanda Hale, New York Daily News.*

Joan Crawford's first appearance as a stellar comedienne is a spectacular success . . . a wordy drawing room farce with pretensions toward sophistication which never quite come off.—*Lee Mortimer, New York Daily Mirror.*

A generally disappointing film.—*Bosley Crowther, New York Times.*

Emerged on the screen in a handsome and faithful translation . . . overtheatrical and overlong.—*Howard Barnes, New York Herald-Tribune.*

"THEY DRIVE BY NIGHT" (Warners)

The most surprising performance of the year is given by Ida Lupino . . . dialogue is scintillating and unusually witty . . . entertaining drama and a credit to Warner Brothers.—*Louella A. Parsons, Los Angeles Examiner.*

A good stout entertainment affair, with plenty of rough and ready dialogue to warm up atmosphere of the theatre, and a plot that proceeds very interestingly all the way.—*Edwin Schallert, Los Angeles Times.*

Commands attention . . . plenty of smart, wise-cracking dialogue . . . a really distinguished performance by Ida Lupino . . . a picture that has plenty of punch.—*Harrison Carroll, Los Angeles Herald Express.*

"NEW MOON" (M-G-M)

Full of romance—very, very colorful romance . . . a typical MacDonald-Eddy romance . . . just the right number of songs . . . moves fairly fast, is a spectacular and lavish production and should find considerable favor with the movie-going public.—*Pence James, Chicago Daily News.*

A gay and romantic film . . . as light-hearted and enjoyable a picture as you'll find these days.—*Doris Arden, Chicago Daily Times.*

The MacDonald-Eddy combination has never been seen to better advantage . . . peppy, picturesque and musically captivating.—*Chicago Tribune.*

A rich and lush operetta. . . . The producing company hasn't spared the budget . . . still a second edition of "Naughty Marietta."—*Henry T. Murdock Philadelphia Public Ledger.*

Elaborate film version of the tuneful Sigmund Romberg-Oscar Hammerstein operetta. . . . Miss MacDonald's fans will find her as lovely as ever —*Elsie Finn, Philadelphia Record.*

The predominantly feminine patrons sighed, purred and at last applauded. . . Musically, the stars are in top form.—*Mildred Martin, Philadelphia Inquirer.*

Satisfactorily entertaining. . . . It's sugar-candy entertainment but the catchy reference of the Romberg music, the artful manner in which Director Leonard manages to sustain narrative interest despite the frequent vocal interludes, and the fine work of Metro's outstanding singing duo make it a thoroughly pleasant experience.—*Garrett D. Byrnes, Providence Journal.*

"BROTHER ORCHID" (Warners)

It's amusing—not uproariously funny—but it will keep a pleasant look on your face all the way through . . . has what it takes—laughs, excitement, action and even some tenderness.—*Pence James, Chicago Daily News.*

One of the most novel and nutty pictures to pop up in weeks. The show is fast, funny and a traitor to trite situations. . . . It's good fun.—*Chicago Herald American.*

Acting throughout is aces, but the story is, well—just one of those things. —*Chicago Tribune.*

'Hardy' Pulls Good $31,900, Los Angeles

Los Angeles, July 14.—"Andy Hardy Meets Debutante" and "Lucky Cisco Kid" drew $31,900 at two houses, $14,400 at the Chinese and $17,500 at Loew's State. "My Favorite Wife" and "Beyond Tomorrow" drew $8,100 at the Hillstreet and $8,500 at the Pantages.

Estimated takings for the week ending July 10:

"All This, and Heaven, Too" (W. B.)
CARTHAY CIRCLE—(1518) (75c-$1.50) 7 days, 4th week. Gross: $12,900. (Average, $17,000)
"Andy Hardy Meets Debutante" (M-G-M)
"Luck Cisco Kid" (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $14,400. (Average, $12,500)
"Our Town" (U. A.)
4 STAR—(900) (40c-55c) 7 days, 3rd week. Gross: $3,800. (Average, $3,250)
"My Favorite Wife" (RKO)
"Beyond Tomorrow" (RKO)
HILLSTREET—(2,700) (30c-65c) 7 days, 2nd week. Gross: $8,100. (Average, $6,500)
"Andy Hardy Meets Debutante" (M-G-M)
"Lucky Cisco Kid" (20th-Fox)
LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: $17,500. (Average, $14,000)
"My Favorite Wife" (RKO)
"Beyond Tomorrow" (RKO)
PANTAGES—(3,000) (30c-65c) 7 days, 2nd week. Gross: $8,500. (Average, $7,000)
"The Ghost Breakers" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days, 2nd week. Stage: F. & M. revue, Skinnay Ennis and his orchestra. Gross: $15,000. (Average, $18,000)
"The Man Who Talked Too Much" (W. B.)
"Pop Always Pays" (RKO)
WARNER BROS. (Hollywood)—(3,000) (30c-65c) 7 days. Gross: $7,800. (Average, $14,000)
"The Man Who Talked Too Much" (W. B.)
"Pop Always Pays" (RKO)
WARNER BROS. (Downtown)—(3,400) (30c-65c) 7 days. Gross: $7,600. (Average, $12,000)

"Safari" at $4,000; New Haven Is Slow

New Haven, July 14.—"Safari" and "La Conga Nights" at the Paramount drew $4,000, only bill to do average business. "New Moon" and "The Saint's Double Trouble" at the Loew-Poli took $7,800.

Estimated takings for the week ending July 11:

"Susan and God" (M-G-M)
"Florian" (M-G-M)
COLLEGE—(1,499) (35c-50c, plus tax) 7 days, 2nd week. Gross: $1,700. (Average, $2,700)
"New Moon" (M-G-M)
"The Saint's Double Trouble" (RKO)
LOEW-POLI—(3,040) (35c-50c, plus tax) 7 days. Gross: $7,800. (Average, $8,000)
"Safari" (Para.)
"La Conga Nights" (Univ.)
PARAMOUNT—(2,348) (35c-50c, plus tax) 7 days. Gross: $4,000. (Average, $4,000)
"Turnabout" (U. A.)
"Gambling on the High Seas" (W. B.)
ROGER SHERMAN—(2,200) (35c-50c, plus tax) 7 days. Gross: $2,900. (Average, $5,000)

Sues for Million Over 'Smith' Story

Hollywood, July 14.—Norman Houston, a writer, has filed a $1,000,000 damage suit against Columbia Pictures and others charging unauthorized use of his material in "Mr. Smith Goes to Washington." He alleges he was employed in 1936 to develop his story, "Clown in Congress," and upon discharge bought back all rights to the material which, he said, was used without his consent in the Frank Capra film.

Homes Minus Phones Listen More to Radio

Families without telephones listen to the radio an average of 3.9 hours daily, while those with telephones devote an average of 3.5 hours a day to broadcasts, according to a survey of metropolitan Detroit families made by the Wayne University Broadcasting Guild and released by the CBS division of research.

Thursday, with an average of 4.5 hours, is the peak listening day. Saturday is the lowest, with 3.2 hours, the survey shows.

The inquiry determined that WJR, the CBS outlet, and WWJ, the NBC-Red affiliate, receive 71.5 per cent of the listening time, with eight other stations sharing the remaining 28.5 per cent.

Of the daytime script serials surveyed, eight of the most popular were on CBS and two on NBC-Red. In the evening, 14 CBS shows, nine NBC-Red, one NBC-Blue and one Mutual program led the field, according to the survey.

The University made the study through the Detroit school system, checking the listening habits of 1,988 families. This is the equivalent of 900,000 coincidental checkups, officials said.

Northio Set Up New Operating District

Cincinnati, July 14.—Tracy Barham, general manager of Northio Theatres, Inc., has created a new operating district for northern Ohio, where the company recently took over a number of Shea houses.

In the new setup, George Planck, city manager at Marion, becomes district manager, retaining his Marion headquarters. He is succeeded as manager of the Palace by Eldon Dodds, promoted from assistant manager. Wallace James, who managed the Paramount at Fremont for Shea, has been appointed city manager there in charge of the Paramount, Strand and Opera House. Glen Reitz, manager of Shea's Ohio, at Bellevue, has been named city manager for the Ohio and State, succeeding Joe Scanlon, transferred to Zanesville, O., where Shea recently took over the houses of Zanesville Theatres, Inc. Phil Cleveland, Shea manager of the Clyde, at Clyde, retains that post for Northio.

George Fettick, district booker here, will book all of the 18 houses in the circuit. Northio, a Paramount affiliate, started operation six years ago with the Palace and Marion, at Marion, as the nucleus of the present circuit.

Charter Four Companies

Albany, July 14.—New companies chartered here include: New England Phonovision Co., by Samuel Stirrat, Samuel Cufari and Nicholas J. Camerota, Springfield, Mass.; King-Theatre, Inc., by Simon Rosenberg, Leonard Gottenberg and Josephine Walton, New York; Dalev Corp., by Peter A. Lewis, Ethel Davis and Florence Abramson, New York, and Washton Amusement Corp., by David L. Lang and Florence Schaen, New York.

Off the Antenna

With RKO-Pathe newsreels of the Democratic convention featured on W2XBS, NBC television station, for the current week, there will be four hours and twenty minutes of films of the total of 12 hours and twenty minutes of programs during the week. Two hours of boxing and three hours of the Eastern Clay Court championships will be picked up by the mobile camera. There will also be two variety shows and two Sunoco news broadcasts from the studios.

Featured films for this week include "Song of Freedom" with Paul Robeson; and "The Curtain Falls" with Henrietta Crosman.

• • •

Purely Personal: *O. B. Hanson, NBC vice-president and chief engineer, has departed on a two-week vacation cruise along the Atlantic Coast. . . . Jean Libman, who is with Carlton Alsop's office, will leave today for the Coast to handle a special publicity and production assignment. . . . Betty Jean Hainey, of the "All This, and Heaven Too" cast has joined the cast of "The Career of Alice Blair." . . . Bob Hawk has been signed until the end of the year by Eversharp for the "Take It or Leave It" show over CBS Sunday nights. . . . Theodore C. Streibert, vice-president and general manager of WOR, and Mrs. Streibert left over the weekend for a one-month trip. . . . Herbert L. Petty, WHN director, is in Chicago for the Democratic convention. . . . Frank Roehrenbeck, WHN general manager, returns to his desk today after a two-week vacation.*

• • •

Fearing a loss in tourist business because of the war, the Canadian Railway Association has launched a new series, "Canadian Holiday," over 42 NBC-Blue stations. The programs will be heard Thursdays from 8 to 8:30 P. M. under a 13-week contract. It has been reported that a number of "tourism" films are being made for showing in this country.

• • •

DuMont has developed a portable television camera which is said to be "as compact as a motion picture sound camera and just as easy to operate." Weighing only 45 pounds, it measures 8¾ by 26 by 16½ inches. Seven other units required for operation of the camera weigh only 314 pounds, the entire group weighing 359 pounds. Two operators are required for the equipment, one for the camera and the other for the power supply, amplifiers and monitors.

• • •

Program News: *The second of the new "Forecast" series over CBS on July 22 will have Alfred Hitchcock, the director, and Herbert Marshall in a projected series of mystery shows, as the Hollywood half of the program, and Danny Kaye, Joan Edwards, Rush Hughes, the Four Clubmen and Lyn Murray's orchestra in a projected series to be called "When You Were 21." . . . Colgate-Palmolive-Peet has renewed "Ask-It Basket" over 63 CBS stations.*

• • •

WKAT of Miami Beach, Fla., this morning will deliver to time buyers in New York a kitten with its fur dyed blue. The novel promotional stunt is on the occasion of the station's becoming a part of the NBC-Blue network.

News Guild Elects Martin, Sullivan

Memphis, July 14.—Harry Martin, film critic of the Memphis *Commercial Appeal* and president of the Newspaper Film Critics of America, was reelected by acclamation as vice-president of Region 2 of the American Newspaper Guild at its convention here Friday.

Martin was the leading presidential nominee of the anti-administration group in the early caucuses. An administration candidate, Donald Sullivan, editorial writer for the *Boston Globe,* was elected president, defeating Kenneth Crawford of *PM,* New York. Crawford had succeeded the late Heywood Broun.

Cincinnati's Bingo Gross Off in June

Cincinnati, July 14.—Bingo decreased here in June from the record high of May, although it still was well above the previous months of this year.

The June report compiled by the Police Department shows attendance of 241,923 at 232 parties, at which gross was $185,029.47. Prizes totaled $44,827.05, leaving net of $140,202.42 to sponsoring organizations. Average net cost per person was 58 cents. May figures were 263 parties, attended by 294,778 players with gross of $214,994.97; prizes, $52,026.14, and net, $162,986.83.

G. N. Trustee Sues Skibo and Maguire

Harry G. Fromberg, trustee in bankruptcy of Grand National Pictures, Inc., filed suit Friday in the U. S. District Court against Skibo Productions, Inc., for $12,874 damages and Jeremiah D. Maguire for $3,874 and an accounting.

In a number of causes of action, Fromberg alleges that Skibo failed to repay a loan of $2,874 from Great National and that the defendants owe $10,000 for accounting, storage and legal services rendered by Grand National.

The suit seeks repayment of an alleged loan of $3,874 to Maguire and also an accounting of receipts from the distribution of additional pictures assigned to Grand National and subsequently allegedly turned over to Maguire.

RKO Closes Deals On 1940-'41 Product

RKO has closed several deals on 1940-'41 product, Ned E. Depinet, vice-president in charge of distribution, discloses. One with John Ford of Maine & New Hampshire Theatres is for all features and shorts for 28 houses. A. W. Smith, sales manager; Ross Cropper, Boston branch manager, and Gus Schaefer, Northeastern district manager, handled the deal for RKO.

Other deals include Loew-Poli circuit; Rialto, Salt Lake City, and the Indiana and Circle, Indianapolis.

Webs Lead in Scripts Read By the F. T. C.

Washington, July 14.—Nationwide networks led by a wide margin in the percentage of commercial continuity scripts set aside by the Federal Trade Commission for further examination, as compared with regional networks and individual stations, it was revealed today by a survey of 1939 programs.

A total of 22.2 per cent of national network scripts were marked for further investigation as compared with 6.5 per cent on regional networks, 13.4 per cent for transcriptions, 2.3 per cent for 100 watt stations, 3.3 per cent for 1,000 watt stations, 4.4 per cent for 10,000 watt stations, and 7 per cent for 50,000 watt stations.

The marking by the F.T.C. does not mean that there was anything wrong with the continuity but merely indicates that the commission felt that some investigation should be made on the commercial.

On the whole, the commission observed, the average commercial continuities on nationwide network broadcasts were about seven times the script length of those rendered for individual station commercial announcements. A total of 15,390 national network scripts was examined, 9,228 from regional networks, 305,787 from individual stations, and 4,127 from transcriptions.

Begin Shooting on Canadian Feature

Ottawa, July 14.—Production got under way over the weekend on Ortus Films' "Forty-ninth Parallel," under the direction of Michael Powell. Raymond Massey will play the lead in the English company's film, for which shots were made on Paraliament Hill here.

The film, produced under agreement with the British Ministry of Information, will stress U. S. and Canadian friendship. Leslie Howard, Vincent Massey, Canadian High Commissioner to London, and brother of Raymond, and Elisabeth Bergner, are featured in the cast. After shooting here, the studio work on the film will be finished in England.

Nick Asks to Quash St. Louis Indictment

St. Louis, July 14.—Motion to quash the indictment against John P. Nick, former vice-president of the I.A.T.S.E., charged with violation of the anti-trust and the anti-racketeering laws, has been filed in Federal Court here by Sigmund Bass, defense attorney. A move also was made to strike out several sections of the indictment.

Mo. Legislature to Convene on July 22

Jefferson City, Mo., July 14.—A special session of the Missouri legislature, which will meet regularly Jan. 1, 1941, has been called by Governor L. C. Stark for July 22. The object is to provide funds for direct relief, which funds are available. No legislation except what is essential to that purpose is looked for.

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News
Brief, Accurate and Impartial

VOL. 48. NO. 11 NEW YORK, U. S. A., TUESDAY, JULY 16, 1940 TEN CENTS

"The Man I Married"

[20th Century-Fox]

HOLLYWOOD, July 15.—Twentieth Century-Fox's "The Man I Married" is "I Married a Nazi," sensational *Liberty Magazine* serial, transferred to the screen as a blistering indictment of Nazi Germany and its persecution of minorities, its war aims, its ideology. As told in the picture, the story, laid in 1938, points out the possible danger of a Hitlerian invasion of the United States, the inroads of Nazi propaganda in America, and "the willingness" of Germany to keep the United States on a friendly basis.

The picture goes farther in blasting the Nazi regime than any of its kindred predecessors, even going to the point of referring derisively to Hitler as "Schicky," nickname derived from what is said to be Hitler's real name. No punches are pulled, for there are scenes showing Czechoslovaks being forced to pick up garbage dumped on the streets by Nazis, marking of Jewish shops, the espionage of the Gestapo, and the expose of new Nazi laws calculated to make the state supreme.

Exhibitors should view the picture before playing it, to judge its adaptability to their particular audiences. Darryl F. Zanuck ordered the change of name from "I Married a Nazi" to "The Man I Married" after the picture was completed and well publicized under the former title.

Joan Bennett, in her best role to date, enacts the role of an American woman taken with her son to Germany by her husband, Francis Lederer, born in Germany, but who has received his first papers in the United States. Purpose of the visit is to sell his father's factory. Lederer, incited by the Nazi propaganda, joins the party, carries on an illicit love affair with a Nazi girl, and decides to divorce his American wife and keep their American-born child in Germany. His father appeals to him to permit the boy to go to America with his mother, but Lederer refuses. Then the father, in a dramatic scene, informs Lederer that his mother was Jewish, that he is half-Jewish.

The Nazi inamorata, played by Anna Sten, immediately scorns him, and Miss Bennett and the son return to America. Apart from the main plot is an American newspaperman,

(*Continued on page 7*)

War Benefit Costs Canada Theatres $300,000 Loss

TORONTO, July 15.—Tonight's National Theatre Party, staged by the Canadian film industry to stimulate the sale of War Savings Stamps, is estimated to have cost the Dominion's theatres about $300,000 in direct loss through the cancellation of the regular night's performance.

However, theatre men have expressed the belief that the loss was more than made up by the goodwill gained.

Approximately 975 theatres participated in the drive, which covered the entire Dominion. Preliminary estimates late tonight indicated that the estimated goal of $1,000,000 had been reached.

In this city, Vivien Leigh, Laurence Olivier, Ned Sparks and Maureen O'Sullivan appeared at a num-

(*Continued on page 7*)

Canada Theatres Emphasize Laughs

Toronto, July 15.—Key theatres of the Famous Players circuit have been featuring "Get a Laugh Week" to emphasize the relief from war news that is afforded in screen entertainment. The idea was utilized with the presentation of "My Favorite Wife" at the Toronto Uptown with the result that Manager Fred Trebilcock had to hold the picture for a second week. During this run, the newsreel was omitted from the program so there would be no war reference. Letters of commendation were received.

Renew Relief Fund $10,000 Week Show

The Motion Picture Relief Fund again will receive $10,000 weekly for the Screen Actors Guild radio show during the next season, beginning on the first Sunday in October, as a result of the renewal of its contract by Gulf Oil Co., it was disclosed yesterday by Young & Rubicam, the advertising agency handling the account.

The addition of the $390,000 which will be received during the season to the $570,000 already accumulated will make possible the early start of construction on the Coast of a home for aged and needy persons formerly employed in the industry.

The program will be heard at the same time as before the Summer layoff—on Sundays at 7:30 P. M. over CBS.

Studios Mobilize 32,000 for Relief

HOLLYWOOD, July 15.—Hollywood mobilized today for the greatest charity drive in its history as an estimated 32,000 workers gathered at noon at their studios to hear industry leaders appeal for support of the Red Cross and Allied Relief Funds.

Preceding individual studio appeals was a radio program carried over all local stations from KFWB on which Samuel Goldwyn, chairman of the drive; Jeanette MacDonald, Robert Montgomery, Louis B. Mayer, Irene Dunne and Dr. A. H. Giannini, chairman of the Los Angeles Red Cross Chapter, appeared.

It has been suggested that voluntary donations of a percentage of all salaries be sought. Cary Grant has

(*Continued on page 7*)

Gene Buck Talks on Ascap And Montana Happenings

By SAM SHAIN

"I'm sensitive. I wasn't going to give you a sales talk, but you gentlemen are nice to come up here, and I'll tell you what Irving Caesar means, because if he hadn't brought it up, I wasn't going to talk about it."

Gene Buck, president and leader of Ascap for nearly a score of years, was speaking. The gentlemen he was addressing were of the press; the place, the Ascap headquarters in Rockefeller Center; time, last evening. Song writers were present.

A. P. Waxman had arranged the party, with cocktails and refreshments, in the usual manner, and for the first time, some of those radio reporters and members of the metropolitan press heard what Ascap was all about—that it was a mutual protective so-

(*Continued on page 8*)

50 Television Stations Seen By Next Year

FCC Will Grant Licenses To Spur Development

WASHINGTON, July 15.—More than 50 television stations will be in operation by early next year, placing this country definitely in world leadership, it is authoritatively asserted here, with the expectation that the Federal Communications Commission tomorrow may grant licenses to a number of stations.

The licenses are expected to cover transmitters in widely separated parts of the country. They will be issued under the new policy of the Commission to encourage the establishment of a number of stations on an experimental basis in anticipation of the quick development of standards which will permit commercial operation.

First steps toward chain television broadcasting will be taken by NBC with the establishment of its proposed series of transmitters along the East Coast. Commission officials believe that the facilities to be created this year will be followed by others which will bring television programs to a large part of the country's population.

Among those who have the establishment of television stations in view are CBS and DuMont in the East, Balaban & Katz in Chicago and Don Lee (Mutual) in Los Angeles. Paramount is interested in both DuMont and Balaban & Katz.

Trust Action Again Delayed One Week

Federal Judge Henry W. Goddard yesterday adjourned trial of the Government's New York anti-trust suit until next Monday, at which time a further adjournment until early next Fall may be sought providing there still remains some basis for belief that an ultimate agreement can be reached by the Government and the

(*Continued on page 7*)

Universal Releasing 'Daltons Rode' Ahead

"When the Daltons Rode" has been been completed by Universal ahead of schedule and will be released the last week of July as part of this season's program instead of next season's, in place of "Hired Wife."

Honor Comerford

Scranton, July 15.—A precedent set in 1924 by the late M. E. Comerford was continued here when the annual Comerford Day was observed at the Scranton Boys' Club Camp. Friends of the late head of the Comerford Theatre organization journeyed to the camp for the event. John J. O'Leary was co-chairman in charge of the observance.

'Heaven' Strong In 2nd Hall Week

Sunny weekend weather was not conducive to high Broadway grosses, although the Music Hall, with "All This, and Heaven Too" and a stage show continued strong with $60,000 in the first four days of the second week. It will be held a third.

"My Love Came Back" drew $18,000 in the first three days of the initial week at the Strand, with Rudy Vallee and his Connecticut Yankees on the stage, and will be held over. The Roxy reported $18,400 for three days on "Maryland" with a stage show. The film will be held a second week.

The Globe expects $6,000 for the week on "Devil's Island," with "Girls of the Road" to start Saturday. At the Paramount "The Ghost Breakers" with Orrin Tucker and his orchestra and Bonnie Baker on the stage drew $40,000 for the second week. The picture begins a third week today.

FLY VIA
YELLOWSTONE
. . . on your air journey between the East and the Pacific Coast

Visit Yellowstone Park by plane, flying over Jackson Hole, Grand Tetons, Yellowstone's Geyser Basins. Land at Yellowstone Airport for an 8-hour limousine trip into the Park, including Old Faithful—all by adding only a 13-hour side flight to your coast-to-coast flight.

Scenic, one day round-trip flight from Salt Lake to Yellowstone, available only to United Air Lines' transcontinental passengers at special rate of $15.

Reservations: travel agents, hotels, or

UNITED AIR LINES
58 E. 42nd Street MUrray Hill 2-7300

Personal Mention

WILL H. HAYS left for the Coast by train on Sunday for his customary summer stay of several months.

•

FRANCIS HARMON, Eastern head of the Production Code Administration, will leave for the Coast on Friday.

•

COL. WILLIAM J. DONOVAN left Sunday by Clipper for London via Lisbon on private business.

•

LEOPOLD DAMROSCH MANNES, co-inventor of Kodachrome, and EVELYN SABIN of Rochester are to be married. here today. MANNES is with Eastman Kodak.

•

JOHN A. SCHWALM, manager of the Northio Rialto, Cincinnati, is in Chicago attending the Democratic National Convention.

•

PATRICIA ELLIS and WILLIAM K. HOWARD, producer, were in Cincinnati over the weekend.

•

EDWARD FITZPATRICK, manager of the Loew-Poli, Waterbury, Conn., will undergo a tonsil operation at the Johns Hopkins Hospital in that city during his current vacation.

•

JOSEPH DEACON, manager of the Dixie, Rochester, and MRS. DEACON are the parents of a son, Ross.

•

WALLACE FOLKINS, manager of the State, Rochester, has returned from a week's vacation in Jamestown, N. Y.

•

T. E. STANZELL, booker at the 20th Century-Fox Des Moines office, left yesterday with his family for a vacation trip to Los Angeles.

•

ELMER HOLLANDER, manager of the Stanton, Philadelphia, has left on a vacation trip to California.

•

WILLIAM MARSH, M-G-M auditor, celebrates a birthday today.

H. M. RICHEY of RKO will leave at the end of the week to attend the Southeastern Theatre Owners convention at Jacksonville, Fla.

•

HOWARD DIETZ, M-G-M advertising and publicity director, is due back from the Coast today.

•

COLONEL PETER SAUNDERS, chairman of the Virginia Censor Board, is a delegate to the Democratic convention in Chicago.

•

CHARLES HULBERT, manager of the Lee, Richmond, was awarded third prize in a photo contest conducted by the Richmond *News Leader*.

•

JERRY MURPHY, 20th Century-Fox salesman in Richmond, is in the Retreat for the Sick Hospital, that city, with appendicitis.

•

WALTER FUTTER, I. E. LOPERT, BUDD ROGERS and HARRY THOMAS lunching at the Tavern yesterday.

•

HAL HORNE, AL YOUNG, JACK GOETZ and J. J. MILSTEIN at Lindy's (51st St.) yesterday for lunch.

•

HARRY COSMAN, MAX WEISFELDT, SEYMOUR POE and RUBE JACKTER at Lindy's (next to the Rivoli) for lunch yesterday.

•

ADOLPH ZUKOR, BARNEY BALABAN, ROBERT WEITMAN, CHARLES SONIN, ALBERT LEWIN, LEON NETTER, JOHN GOLDEN and DENNIS KING lunching at Sardi's yesterday.

•

CLAYTON BOND, WILLIAM ORR, CHARLES E. MCCARTHY, SAM SHAIN, MAURICE EVANS, JOHN W. HICKS, CLIFTON FADIMAN, CHARLES M. REAGAN, J. J. UNGER and TED O'SHEA at Nick's Hunting Room in the Astor for lunch yesterday.

•

HELEN BOSWELL, cashier at Wilmer & Vincent's Colonial, Richmond, is vacationing at Ocean View, Va.

English Credit Bank Plan Not Abandoned

LONDON, July 15.—It is authoritatively understood here that the plan for a Film Credit Bank, proposed many months ago, and since apparently abandoned, actually has been placed on the shelf, but not completely dropped.

The Board of Trade has developed a plan embracing the Credit Bank plan, which is believed to be ready for operation if the international situation eases. Also understood to be almost ready is a plan for a Films Commission, under which the membership, composed for the most part of industry representatives, would collaborate with the various Government ministries in the application of procedure attendant upon the Credit Bank scheme.

Warners, O'Brien Dicker

HOLLYWOOD, July 15.—Warners and Pat O'Brien today were negotiating a contract for three films a year. Warners have dropped him from the contract list over differences on a stipulated option increase.

Begin Convention Televising Today

As arranged with RKO Pathe News, the first of two daily 10-minute programs televising films taken at the National Democratic convention in Chicago will be transmitted at 3:30 P. M. today over W2XBS, NBC's television station. The second program is set for 9 P. M.

The programs will offer a pictorial account of activities the preceding day and will continue twice daily for the duration of the convention.

Rosenblatt to Chicago

Sol Rosenblatt of Rosenblatt & Jaffe left yesterday with Mrs. James Farley for the Democratic convention in Chicago, where they will meet the Postmaster General. From Chicago Rosenblatt will go to Hollywood on business.

Grainger on Tour

James R. Grainger, president of Republic, left yesterday for a tour of exchanges in Toronto, Chicago and Detroit. He will return next Monday.

Para. to Enlist Independents In U.S. Defense

Efforts will be made by Paramount theatre operators to enlist independent exhibitors in their territories in cooperative activities for the Government's defense program, which will be carried out systematically throughout the Paramount theatre organization.

A. H. Blank, who was designated coordinator of defense activities for Paramount's Midwest and Western houses, will arrive in New York from Des Moines at the end of this week to confer with Paramount circuit heads here and then will go to Washington to discuss cooperative activities by theatres with officials there. Similar conferences have been held already by R. C. Wilby of the Wilby-Kincey circuit, who has been designated chairman of the defense activities for the Paramount theatres in the South.

All arrangements for defense program activities for Paramount and cooperating theatres will be cleared through Blank and Wilby.

Jacobs Heading RKO San Francisco Office

N. P. Jacobs, formerly head of the RKO Los Angeles exchange, has been appointed manager of the San Francisco branch, effective immediately. G. William Wolf, former manager at San Francisco, will be given a new assignment to be announced at an early date, according to Ned E. Depinet, vice-president in charge of distribution.

Sport Films Formed

DOVER, Del., July 15.—Sport Films, Inc., has been incorporated here to do a general motion picture business with a capital of $30,000. The incorporators are C. S. Peabbles, L. H. Herman, and Walter Lenz of Wilmington.

Plan Schine Regional

ROCHESTER, July 15.—Regional conference of Schine managers from Buffalo and Rochester will be held here late this month.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

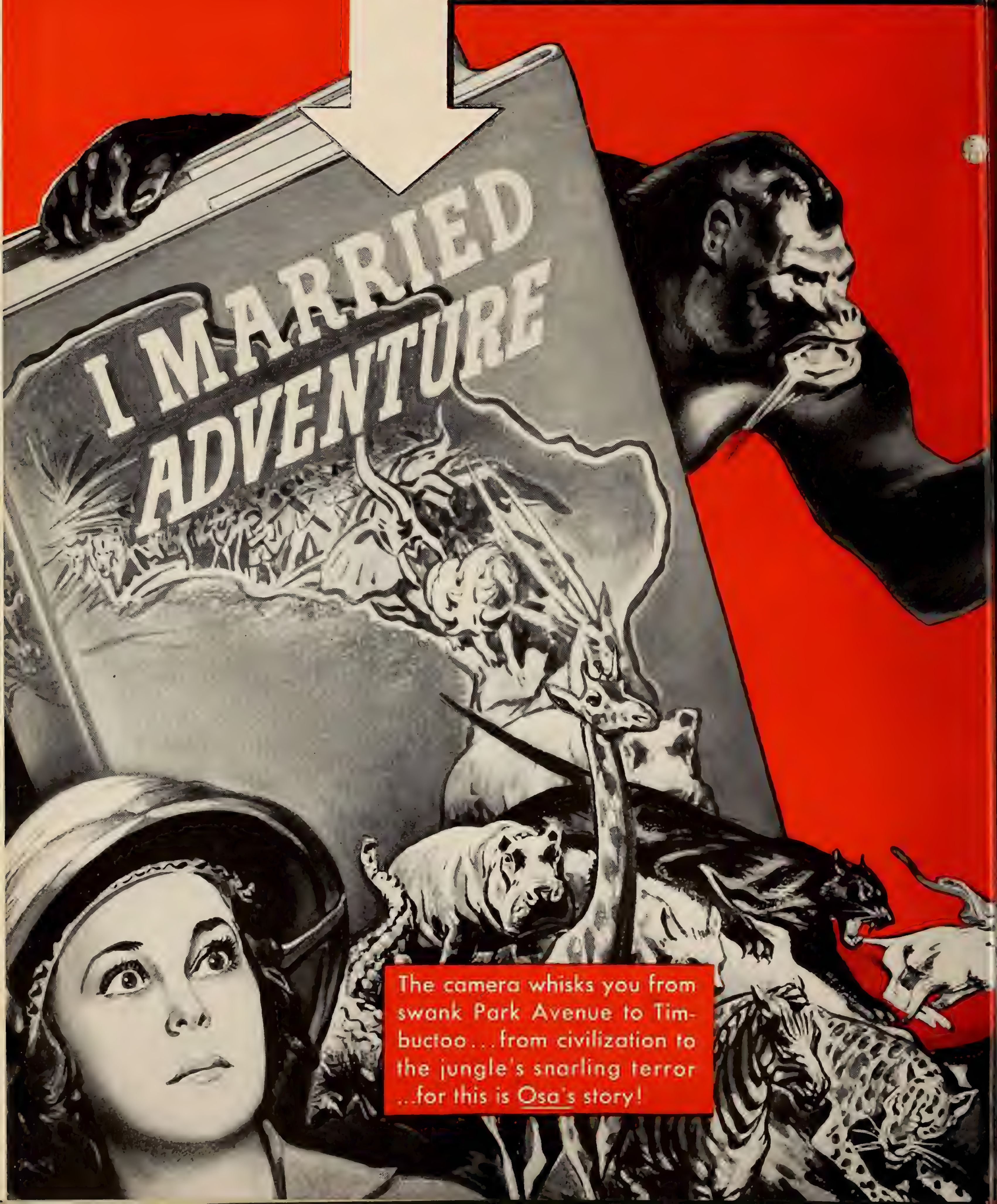
PRE-SOLD

MORE THAN 20,000,000 PEOPLE HAVE READ ABOUT "I MARRIED ADVENTURE"... THE FABULOUS STORY OF OSA JOHNSON'S FABULOUS LIFE!

LIFE
SPEAKING OF PICTURES...
The New York Times Magazine
A QUARTER CENTURY OF JUNGLE ADVENTURE
PICTURE PLAY
I MARRIED ADVENTURE
Book-of-the-Month Club NEWS
I MARRIED ADVENTURE
BY OSA JOHNSON
MOTION PICTURE
GLAMOR IN THE JUNGLE
Silver Screen
BACHELOR MOTHERS OF HOLLYWOOD
Adventuress
Hollywood
She Married Adventure
Screen Life
JUNGLE ADVENTURE

NOW COLUMBIA BRINGS IT TO THE SCREEN...

THE BOO


I MARRIED ADVENTURE

The camera whisks you from swank Park Avenue to Timbuctoo... from civilization to the jungle's snarling terror ...for this is Osa's story!

OF THE MONTH

becomes

THE ADVENTURE PICTURE OF THE YEAR!

OSA JOHNSON'S

(MRS. MARTIN JOHNSON)

I Married Adventure

Based on the great Book-of-the-Month-Club Selection

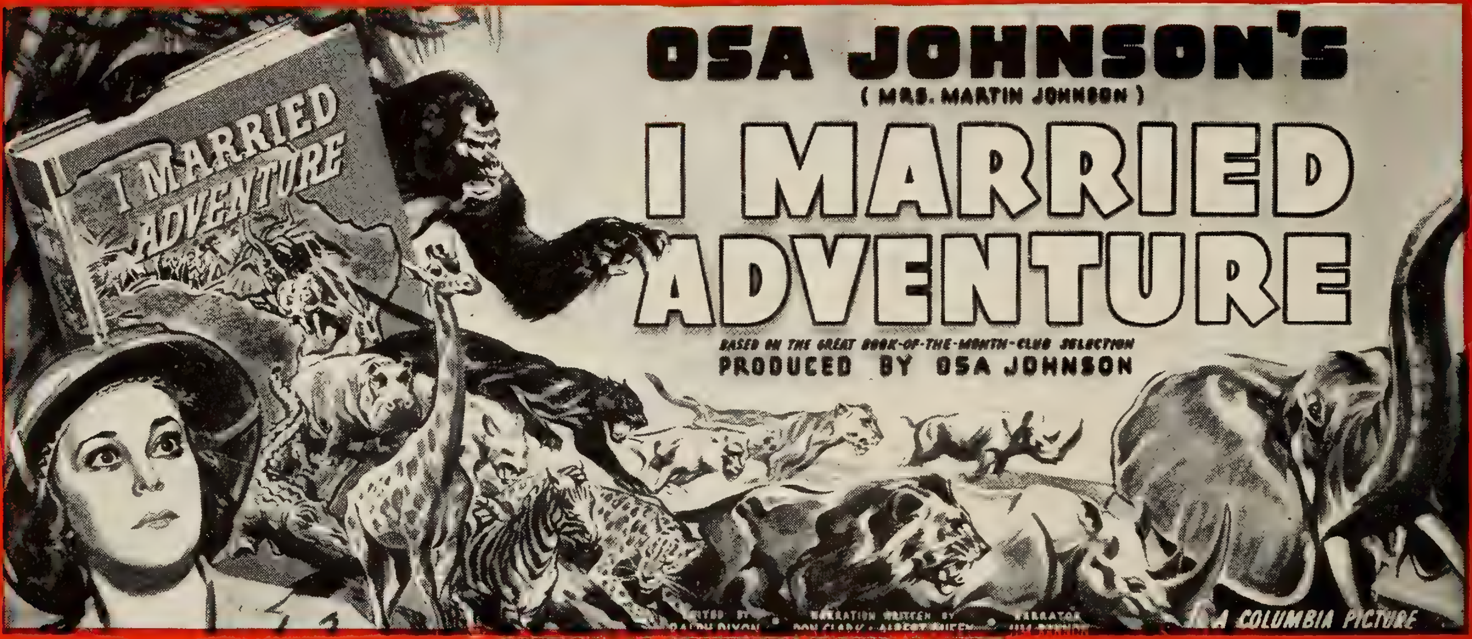
PRODUCED BY OSA JOHNSON

Edited by
RALPH DIXON · Narration Written by
DON CLARK and ALBERT DUFFY · Narrator
JIM BANNON

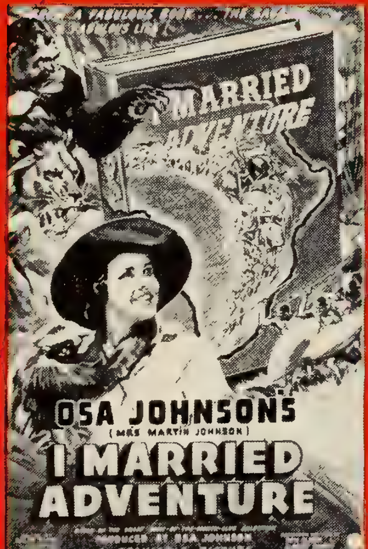
A COLUMBIA PICTURE

Expeditions...lecture tours...films...books...articles...and now her great Book-of-the-Month-Club autobiography...have made Osa Johnson's name the symbol everywhere of adventure...thrills...achievement...among action-lovers by the million, and the most distinguished of audiences!

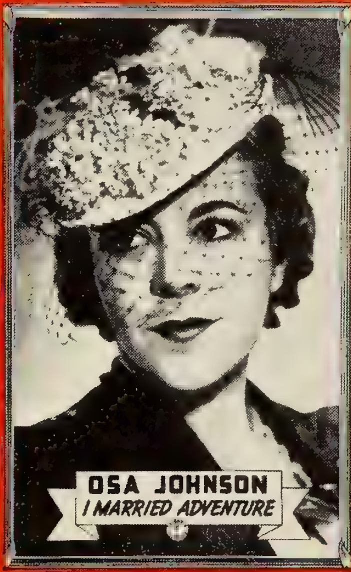
THESE POSTERS TELL THE STORY THAT WILL SELL THE TICKETS!


I MARRIED ADVENTURE
OSA JOHNSON'S
(MRS. MARTIN JOHNSON)
I MARRIED ADVENTURE
BASED ON THE GREAT BOOK-OF-THE-MONTH-CLUB SELECTION
PRODUCED BY OSA JOHNSON
EDITED BY RALPH DIXON
NARRATION WRITTEN BY DON CLARK & ALBERT DUFFY
NARRATOR JIM BANNON
A COLUMBIA PICTURE

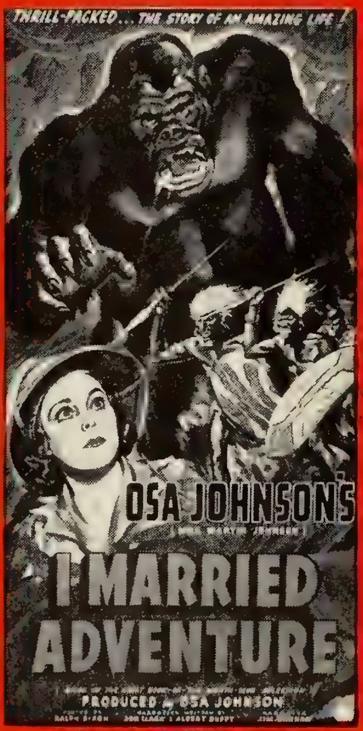
PICTORIAL TWENTY-FOUR SHEET


I MARRIED ADVENTURE
OSA JOHNSON'S
(MRS. MARTIN JOHNSON)
I MARRIED ADVENTURE
PRODUCED BY OSA JOHNSON
A COLUMBIA PICTURE

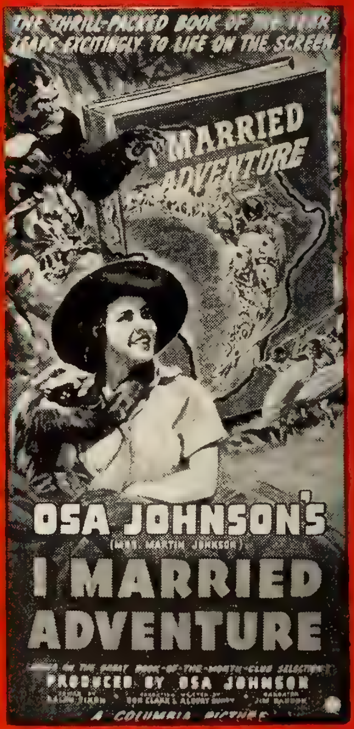
ONE SHEET—A


OSA JOHNSON
I MARRIED ADVENTURE

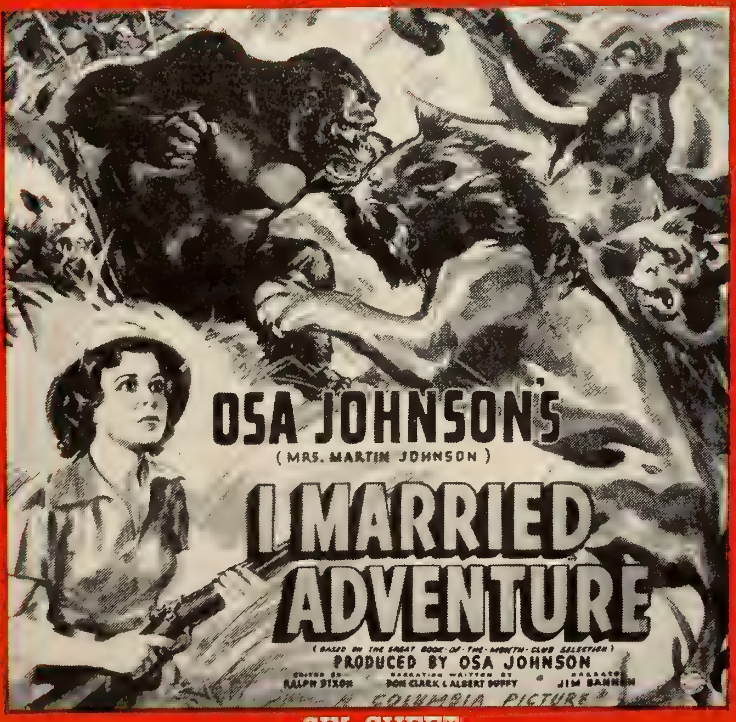
ONE SHEET—B


THRILL-PACKED... THE STORY OF AN AMAZING LIFE!
OSA JOHNSON'S
(MRS. MARTIN JOHNSON)
I MARRIED ADVENTURE
PRODUCED BY OSA JOHNSON

THREE SHEET—A


THE THRILL-PACKED BOOK OF THE YEAR LEAPS EXCITINGLY TO LIFE ON THE SCREEN
I MARRIED ADVENTURE
OSA JOHNSON'S
(MRS. MARTIN JOHNSON)
I MARRIED ADVENTURE
BASED ON THE GREAT BOOK-OF-THE-MONTH-CLUB SELECTION
PRODUCED BY OSA JOHNSON
A COLUMBIA PICTURE

THREE SHEET—B


OSA JOHNSON'S
(MRS. MARTIN JOHNSON)
I MARRIED ADVENTURE
(BASED ON THE GREAT BOOK-OF-THE-MONTH-CLUB SELECTION)
PRODUCED BY OSA JOHNSON
EDITED BY RALPH DIXON
NARRATION WRITTEN BY DON CLARK & ALBERT DUFFY
NARRATOR JIM BANNON
A COLUMBIA PICTURE

SIX SHEET

FOR A HUNDRED ADDITIONAL HELPS IN SELLING A BIG SHOWMANSHIP PICTURE, SEE THE MAGNIFICENT PRESSBOOK!

"The Man I Married"

[20th Century-Fox]

(*Continued from page* 1)

played by Lloyd Nolan, who aids and comforts Miss Bennett, and whose dialogue is the medium for much of the scathing indictment of Hitler. Others in the cast include Otto Kruger, Maria Ouspenskaya, Ludwig Stossell, Johnny Russell and Egon Brecher.

Irving Pichel directed from a screenplay by Oliver H. P. Garrett, based on the magazine story by Oscar Schisgall. Raymond Griffith was associate producer.

Running time, 77 minutees. "A."*

VANCE KING

---

*"*A*" *denotes adult classification.*

Trust Action Again Delayed One Week

(*Continued from page* 1)

five theatre operating defendants on an out-of-court settlement of the suit.

However, Government attorneys indicated yesterday that in the event the status of the settlement negotiations appears to be hopeless on Monday only a short adjournment will be asked in order that future procedure may be determined before Judge Goddard leaves on vacation at the end of the month.

It was definitely indicated that the the period of adjournment to be sought next Monday will disclose the status of the settlement negotiations at that time.

After granting the one-week adjournment, Judge Goddard conferred privately and at some length with J. Stephen Doyle, special assistant to the Attorney General, on the progress of the settlement conferences. It is believed that the refusal of Columbia, United Artists and Universal to accept a consent decree as a settlement of the suit was a part of the discussion.

Defense and Government attorneys will resume the settlement negotiations today.

Agents Agree with Philadelphia AGVA

PHILADELPHIA, July 15.—The Entertainment Managers Association, organization of booking agents here, have come to terms with A.G.V.A. on the question of commissions and it is expected that the group will accept a blanket A.G.V.A. booking franchise this week. While the State licensing law permits agents to collect up to 50 per cent in commissions, the E.M.A. has agreed on a sliding scale up to 33 1/3 per cent, with 10 per cent, which A.G.V.A. originally demanded for all bookings, restricted to theatres. The agents also agreed upon 10 per cent as the minimum commission fee.

To Produce 'Mohammed'

William Karol will leave for the Coast shortly to prepare for production of a film based on the novel, "Mohammed," by Issad Bey.

Nazis Make Newsreel Coverage Of Continental Europe Useless

Newsreel operations of any significance in France and elsewhere in Continental Europe will be subject to regulations imposed by Germany in the future, Lewis E. Buddy, European manager of Paramount News, who arrived from Lisbon by Clipper recently, said yesterday.

Buddy reported that most American newsreel men have left or are quitting Europe due to the new difficulties encountered in attempting to work there. He believes that there is little likelihood of newsreel coverage of any significance by American reels for the time being and until future developments permit an accurate view of the scope of coverage which will be permissible in the future.

Buddy said his future plans will not be determined until he has completed a report to John W. Hicks, Paramount vice-president and foreign manager.

War Benefit Costs Theatres $300,000

(*Continued from page* 1)

ber of houses on behalf of the drive, while in Montreal, Sir Cedric Hardwicke made personal appearances. In addition, Canadian entertainment personalities contributed their services.

Although the admission to tonight's performance was only two 25-cent War Savings Stamps, the objective of the drive was expected to be reached through the sale of "extra" stamps in the theatres at the performance. Leading theatres in most large cities were sold out long in advance for the benefit show.

Throughout the country, 650,000 complimentary admission tickets were distributed by the campaign committee, of which N. L. Nathanson was chairman. The drive was under the sponsorship of the Canadian Picture Pioneers, of which Clair Hague is president. Some theatres reported an average of $3 per seat for stamps.

Sunset Closing for Few English Houses

LONDON, July 15.—A number of film houses in certain coastal areas of England now close shortly after sunset, under new curfew regulations imposed by the military authorities.

In one town on the Eastern coast, the film houses on one side of the principal street remain open, while those on the other side are required to close. Operating hours of film houses will be adjusted as the Fall approaches, and darkness comes earlier, the authorities have indicated.

Settle 'Lone Ranger' Suit Naming Repub.

Stipulations settling the suit of the Lone Ranger, Inc., against Republic Productions, Inc., for an injunction, $10,000 damages and an accounting were filed yesterday in the U. S. District Court.

Attorneys revealed that under the terms of the settlement Republic is to pay the plaintiff $15,000 as full payment of all money claimed and the plaintiff in turn will not oppose the release of a serial based on "The Lone Ranger" radio program.

Eight Reels Rejected

COLUMBUS, July 15.—The Ohio censors last week rejected eight reels, during which period they ordered three eliminations out of a total of 103 reels reviewed.

Studios Mobilize 32,000 for Relief

(*Continued from page* 1)

donated his entire salary from M-G-M's "Philadelphia Story," 50 per cent going to British relief and the rest to the Red Cross. The Government has agreed not to tax this income, reported as $150,000.

Goldwyn called on "everyone in the industry, from office boy to star, to do his duty in the cause of humanity." Montgomery gave a first-hand account of the refugee problem in Europe. Miss Dunne read a plea from Fannie Hurst.

Speakers at the studios were B. B. Kahane and Sam Briskin, Columbia; Walt Disney, Disney Studio; Walter Wanger and Sol Lesser, Goldwyn Studio; Frank Freeman, Paramount; J. J. Nolan, RKO; Darryl F. Zanuck, 20th Century-Fox; Joe Pasternak, Universal; Harry Warner, Warners, and M. J. Siegel and E. H. Goldstein, Republic.

Only Two Foreign 'Pinocchio' Editions

HOLLYWOOD, July 15.—The extent of the loss of foreign markets for American films is indicated by the fact that only two foreign versions—Spanish and Portuguese — of Walt Disney's "Pinocchio" have been issued thus far. In comparison, during the first six month of "Snow White" release, at least nine foreign versions were issued.

The Disney studio during the past several months has decreased the number of its employes by 200, due to combining in its Burbank plant several overlapping departments and to the decline in foreign grosses.

Legion Approves 4 Of 7 New Features

Of the seven films reviewed for the current week by the National Legion of Decency, two were found unobjectionable for general patronage, two unobjectionable for adults, two objectionable in part, and one was condemned. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage—"I Married Adventure," "Maryland." Class A-2, Unobjectionable for Adults—"Gambling on the High Seas," "Sporting Blood." Class B, Objectionable in Part—"Boys from Syracuse," "Leopard Men of Africa." Class C, Condemned—"Smashing the Vice Racket."

32 New Films Now on Coast Sound Stages

HOLLYWOOD, July 15.—Thirty-two pictures were before the cameras this week, as 12 were started and 13 were finished. Twenty-five were being prepared, and 81 were being edited. Universal was busiest, with seven before the cameras.

The tally by studio:

Columbia

Finished: "Wizard of Death."

In Work: "Arizona," "Before I Die."

Started: "Blazing the Oklahoma Trail."

M-G-M

Finished: "Dulcy," "Golden Fleecing."

In Work: "Strike Up the Band," "Escape," "Bad Man of Wyoming," "Philadelphia Story."

Started: "Dr. Kildare Goes Home."

Monogram

Finished: "Arizona Red Man."

Started: Untitled western.

Paramount

Finished: "Cherokee Strip."

In Work: "There's Magic in Music," "Moon Over Burma," "Arise, My Love," "Touchdown."

RKO

Finished: "Lucky Partners," "Dance, Girl, Dance," "Wildcat Bus."

In Work: "Too Many Girls."

Started: "Stunt Man," "They Knew What They Wanted."

Republic

Finished: "King of the Royal Mounted," "Ride, Tenderfoot, Ride."

Started: "Colorado."

Roach

Started: "Roadshow."

Small

In Work: "Son of Monte Cristo."

20th Century-Fox

Finished: "Brigham Young," "The Great Profile."

In Work: "Down Argentine Way."

Started: "Youth Will Be Served," "Yesterday's Heroes."

Universal

In Work: "Spring Parade," "Argentine Nights," "A Little Bit of Heaven," "Hired Wife," "Ragtime Cowboy Joe."

Started: "The Leather Pushers," "Seven Sinners."

Warners

Finished: "Flowing Gold."

In Work: "City for Conquest," "The Letter."

Started: "Meet John Doe."

Photophone Shows Big English Gains

Shipments of RCA Photophone sound equipment to England during the first six months of 1940 were about 57 per cent greater than in the first half of 1939, according to Van Ness Philip, in charge of international activities.

He attributes the increase to blackouts and war strain, which brought more than usual demand for screen entertainment. During the first half of this year, according to Philip, 65 per cent of all British films were recorded on RCA equipment, which compares with 40 per cent in the first half of 1939.

White House To Set Radio Defense Role

WASHINGTON, July 15.—Participation of the broadcasting industry on the Communications Co-ordinating Committee under the National Defense Program lies with the White House and not the Federal Communications Commission, Chairman James L. Fly of the F.C.C. said today.

The Commission head said that announcement of the membership of the committee would come from President Roosevelt and admitted that he was without any information as to when it would be set up.

Fly indicated that in the near future the commission would give consideration to the reallocation of stations under the North American Agreement, but explained that matter is still with the staff which is preparing the new assignments. No date has been set for introduction of the reallocations but the licenses of all stations have been set to expire Oct. 1, so that they may be adopted then if completed.

The commission this week will consider the CBS application for permission to file a brief on the monopoly committee's recent report. If allowed, the brief will be along the lines taken by Ralph Colin, CBS general counsel, at the hearing before the Senate Interestate Commerce Committee last Wednesday, when he charged the committee with errors in both the facts of the Columbia-Paramount stock deal and the conclusions drawn.

Ascap Asks Neb. Appeal Dismissal

Ascap filed a brief with the U. S. Supreme Court yesterday asking the dismissal of the Nebraska appeal in connection with its anti-Ascap legislation. A decision on the appeal is expected some time in October.

The Nebraska appeal, it was learned, is not directed at the decision of the Federal statutory court holding its anti-Ascap law to be unconstitutional but, rather, at the court's later decision denying the state a rehearing of the case.

Ascap's brief, filed by its counsel, Schwartz & Frohlich, seeks the dismissal of the appeal on the ground that a denial of a rehearing by a Federal statutory court cannot be appealed.

Monogram to Handle International's Film

HOLLYWOOD, July 15. — W. Ray Johnston, president of Monogram, and David Biedermann, vice-president in charge of the newly formed International pictures, have closed a deal under which Monogram will release "Gypsy Cavalier." It will be made in color, with Gilbert Roland playing the title role.

Others signed include Bert Roach, Pedro de Cordoba and Jeanne Kelly. Alexis Thurn-Taxis, president of International, will direct from an original screenplay by Edith Watkins. A Spanish version will be made for the South American market.

Gene Buck Talks on Ascap And Montana Happenings

(*Continued from page* 1)

ciety of all the authors, composers and publishers of music in America —not an organized collection agency or industrial firm. Its membership comprises 1,100 songwriters.

Buck in his own and familar manner outlined the Ascap's aims, in a straight show talk, the kind most of those present may never have heard before, but when he finished, Caesar arose and stated that Buck was understating the Ascap case. He was referring to the NAB, BMI controversy with Ascap.

'They Are Creators Like Us'

"Tell them about the nefarious campaign by the broadcasters against us," Caesar urged. "because, after all these are newspapermen who are here; they are creators like us, and I'm sure they can't help but feel for us."

Caesar added that he was using the word — nefariously — advisedly, and knew its full meaning.

"Well, I'll tell you," Buck began. "I'd been working hard. Suddenly, the doctor said:

" 'Buck, you have got to go way.'

" 'Go away,' said I, 'Go away—where and when?'

" 'Anywhere — right away — away from all people, or you'll be a very sorry man. You need a rest,' the doctor said.

" 'Well, give me Christmas Day, and then I'll go'.

"So, what happens? On the day before Christmas, mother falls on the stairs and breaks her hip, and I spent the holidays waiting in the hospital. She passed away.

"Now, it's February and it's Washington's Birthday, and I have gone to Arizona to spend some time with Bud Kelland, an old pal. It's 2:30 in the afternoon, a legal holiday, and Mrs. Buck and I are sitting on the terrace of our hotel at Phoenix, enjoying the sun. Suddenly, a man appears who says he's the sheriff and he wants to talk to me.

Sheriff Had Badge But No Horse

"Well, he was the sheriff, with guns, and everything but a horse, and he had a badge to prove it.

" 'I have a warrant for your arrest as a fugitive from justice, from Missoula, Montana,' he said.

" Now, how can I be a fugitive from a place I've never been to in my life?' I asked him.

"So, the sheriff said, it would only take a small bond and would I accommodate him? 'How much is a small bond?' I asked him.

" '$500.'

"So, I went over to the bastille, with the sheriff, and the circus was on. I could see the circus was on. The broadcasters were getting ready to put on the smear. There was a cameraman and several newspapermen at the jail, when I got there, and they held me for five hours. Soon the sherif said:

" 'Too bad, too bad, the bond will have to be $10,000.'

"Now, I knew the fix was. Because nobody but crooks, thieves and racketeers have $10,000. I knew who put the fix in, too. A l——— broadcaster who owns a small station in Montana.

"That day, 700 broadcasting stations put on the big smear and announced my arrest.

"But soon, the sheriff is worried. He begins to get calls from all parts of the Union. Edgar J. Hoover, from Washington, calls and wants to come right out; Ed Mulrooney, former New York Police Commissioner, calls, and Frank C. Walker calls. He's from Montana, too, and my friend.

"Well, we get the bond money, and what do you think? The sheriff wouldn't accept a certified cashier's check drawn on the Chase National Bank of New York for $9,000 and $1,000 in cash, because he didn't know anything about the Chase Bank, he said. He wanted it all in cash.

"Now, that's how the broadcasters are fighting. We're taxpayers, and what do the broadcasters do? They lobby in Washington and instigate lawsuits which cause us to spend much money for legal purposes, and they even try to use the Department of Justice to serve their ends.

'We've Won Every Suit'

"And a lad who used to work in the Department of Justice used its confidential files to bring suit against us. He's a lawyer, Well, we've won every lawsuit ever brought against us. That's our record.

"The broadcasters think it's big business to do what they're doing and think they can manufacture art like a can of beans or spinach off a shelf—but they can't. You can't treat creative work or human beings like that.

"They've said we made $6,000,000 from radio last year. That's not true. We got $4,100,000. Our total gross is $6,000,000, of which from 15 per cent to 18 per cent goes for operating expenses, and the remainder is split 50-50 between the publishers on the one hand and the authors and composers on the other. The publishers distribute their end of the money and the writers theirs according to their own classifications."

Billy Rose Breaks In

At about this point, Billy Rose broke in:

"The Ascap membership is the most valuable estate I own, and if the BMI, which reminds me more of the BMT, because it's more easy to remember as a subway, thinks it can buy up music without consideration of the composers' and authors' rights and privileges, it has another guess coming.

"Maybe Metro will sell its catalogues to BMI, but I don't believe it. Because BMI will have plenty of lawsuits. I'm ready to have my lawyer, Arthur Garfield Hays, act if necessary to protect my rights—and if he's not enough, I'll personally get Max Steuer and even Charles Evans Hughes."

"Yes, sir, there'll be 1,100 suits, if BMI figures it can get away with what it is trying to do to us. We'll all fight, every one us," echoed Caesar, as the session ended.

Modern Note

ROCHESTER, July 15. — When 2,000 delegates to the Christian Endeavor Union state convention marched in a parade here, some divisions carried portable radios and marched to tunes played during the parade over Station WHAM.

1940 'Ziegfeld Girl' Is Chosen at Stat

Forty girls from Greater New York and New Jersey on the stage of Loew's State last night competed for the title "Ziegfeld Girl of 1940," as an advance building for M-G-M's "The Ziegfeld Girl."

Ten cash prizes of $600 were awarded the contestants in the grand finals. They were chosen from among 1,400 girls who entered the competition in Brooklyn, Queens, Manhattan, the Bronx, Jersey City, Newark, North Bergen, New Rochelle, Mt. Vernon and Yonkers. The contest was under way one and one-half months under the direction of Oscar A. Doob, director of Loew's advertising and publicity.

Judges in the finals were Billy Rose, Eddie Dowling, Marvin Schenck, Al Altman, M-G-M's talent head here, and Bernie Sobel of M-G-M's publicity staff, who was Florenz Ziegfeld's publicity man. Henny Youngman was master of ceremonies.

FCC Sets Tentative Fall Hearing Dates

WASHINGTON, July 15.—The Federal Communications Commission has made its first tentative assignments to its Fall calendar of hearings on broadcast applications, setting Oct. 14 as the date for hearings on the applications of Stations KFAB, Lincoln, Neb., for change of frequency from 770 to 1,080 kilocycles, extension of time from sharing to unlimited and increase of power from 10,000 to 50,000 watts; WBBM, Chicago, for extention of time from sharing to unlimited; WJAG, Norfolk, Neb., for change of frequency from 1,060 to 770 kilocycles and change of time from limited to day, and WMBI, Chicago, for change of time from sharing to limited.

The commission has received an application from Station KSRO, Santa Rosa, Cal., for change of frequency from 1,310 to 1,320 kilocycles and increase of power from 250 to 1,000 watts.

Miller in BBC Post

TORONTO, July 15.—David Miller, former Canadian theatre man, has been appointed director of variety programs for the BBC at London, England, his first program featuring Bebe Daniels. He is a brother of Yvonne Miller of Toronto, featured singer of Toronto on the CBC national network.

MBS Convention Series

"Parade of Delegates," a series of informal discussions with delegates to the Democratic convention, started last night over Mutual. The programs will be aired daily for the duration of the convention, 6:45 to 7 P. M.

DO NOT F

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 12 NEW YORK, U. S. A., WEDNESDAY, JULY 17, 1940 TEN CENTS

Permit Use of Foreign Funds To Buy Films

Payment in Dollars Is Not Required

London, July 16.—The Board of Trade issued an order tonight which, in effect, gives American and other foreign companies the right to use "frozen" monies here for the acquisition of copyrights and negatives of British pictures for export.

Under the order, payments in dollars are no longer required for the purchase of films here for exhibition in the United States. The British companies are entitled now to sell their pictures to American distributors and to accept payment in pounds.

English group fights for amendment to the Films Act. See Page 3.

The new regulation solves the problem created by the Treasury order of last month which, at first, was interpreted as requiring payments in dollars for British films acquired by any "foreign" interest, regardless of whether or not they maintained a distribution organization here and had "frozen" pounds to their credit.

N. Y., Coast Groups On 'Syracuse' Flight

Broadway and Hollywood delegations to the Syracuse premiere of Universal's "The Boys from Syracuse" tomorrow evening will make the trip to the upstate city by chartered American Airlines flagships. The premiere will be at RKO Keith's.

The New York group will include: J. Cheever Cowdin, Charles D. Prutzman, Matthew J. Fox, W. A. Scully, F. J. A. McCarthy, J. H. Seidelman, Peyton Gibson, Samuel Machnovitch, Jules Levey, Louis Pollock, Jules Lapidus, all of Universal; John J. O'Connor, Malcolm Kingsberg, Leon Goldberg, Fred Meyers, all of RKO; newspapermen including Sam Shain, Maurice Kann, Chester Bahn, James P. Cunningham, Irving Hoffman, Frank Farrell, G. E. Blackford and others, and Richard Rodgers, Lorenz Hart, Graham McNamee, Bud Abbott and Lou Costello.

From Hollywood will come Joe Penner, Eric Blore, Constance Moore, Peggy Moran and Francisca Gaal.

The delegations will be guests of Mayor Roland Marvin at dinner preceding the premiere. They will return to New York and the Coast by plane on Friday.

Lawrence of Lisbon

Laudy Lawrence, M-G-M Continental manager, is liable to become known as the jinx of the Clippers. Trying to get here with his family from Lisbon, last week he was "dumped" off at the last moment when word came from the U. S. to lighten the plane's load. Yesterday the ship started, then turned back to Lisbon with motor trouble and now is not due until tomorrow. Lawrence is still waiting.

IA Group Working On Coast Dispute

Hollywood, July 16.—After conferring with I.A.T.S.E. officers, a committee appointed by George E. Browne, president, today started a survey to iron out jurisdictional disputes caused by the formation of five new locals last year when the former Studio Technicians' Local 37 was dissolved.

The committee members, Tom Murtha, Al Scoppa and Robert Burns, New York union officials, arrived over the weekend. They conferred with Floyd M. Billingsley, international vice-president, of San Francisco, and Lew Blix and Steve Newman, Hollywood I.A. representatives.

Browne's representatives will attempt to straighten out craft lines among the five units, demarcation of which never was made clear since the locals were created. Consolidation of several units may be recommended. Appointment of the adjudicating committee was authorized at the I.A.'s Louisville convention.

SEE FIRST DECREE DRAFT BY WEEKEND

Preliminary Agreement Calls for Sales in Units of Five, No Cancellation

Government attorneys expressed the belief yesterday that the first written draft of proposals for a consent decree in settlement of the New York anti-trust suit may be ready by the end of the week.

The preliminary agreement on block booking provides for sales of films in blocks of five with no cancellation right. It follows conflicting recommendations made earlier by the legal committee on block booking, one of which proposed a block of five and no cancellation, while the other proposed sales in units of 10 with the right to cancel two films in the block.

While preliminary agreements have been reached also on other major phases of the decree, it is apparent that any draft of the proposals which may be prepared by the end of the week will be subject to further extensive negotiations.

Whatever report may materialize within the next few days is regarded by defense counsel at least as no more than an interim report of progress and a guide to the objectives.

Such a report, it was said, would be designed primarily for the information of top executives of the defendant companies, Washington officials and the Federal court.

Yesterday's session between Government and defense attorneys lasted until late in the day. It was concerned in part with a discussion of the nature of the "escape" clause to be included in the event a final decree which may be devised proves unworkable in practice.

Coast Sets Relief Goal of $250,000

Hollywood, July 16.—An unofficial goal of $250,000 was set today in the industry's relief drive for the Red Cross and Allied Relief funds as the campaign swung into high gear. Republic is the first studio to report an unofficial quota of $2,500, exceeded by 100 per cent. Exchange employes, circuit and independent theatre men have decided on a voluntary contribution of 5 per cent of their weekly salary for four weeks.

Hoyts, Greater Union To Combine Shortly

Operating merger of Hoyts and Greater Union circuits in Australia, which has been in work for a year, is scheduled to be closed this summer. The directorates of the companies concerned have given their approval, and the matter will go to shareholders.

Duvivier Believes He Can Produce at Low Cost Here

By SAM SHAIN

Julien Duvivier, French director, whom Samuel Goldwyn admires and others in Hollywood would like to employ, thinks he can make pictures in America comparatively as economically as some of those he had made in France. And so he expects to embark on an American production in about a month under the sponsorship of Paul Graetz of Transcontinental Films.

Duvivier is not a stranger in Hollywood, for he made "The Great Waltz" for M-G-M, but now he expects to make a longer stay in America, as soon as Transcontinental concludes a distribution deal for the pictures Duvivier will make. There will be two, the titles of which and the subject matter of which are as yet unrevealed.

Perhaps Duvivier's best known French work is "Carnet de Bal." Transcontinental, Graetz's company, with whom Duvivier also was connected in France, was an affiliate of Columbia Pictures and for Columbia Duvivier and Graetz made two pictures, "Phantom Carriage" and "Cavalcade of France." Graetz, who has been here for some time, has been discussing the possibility of a release

(Continued on page 7)

Metro Production At New High: Dietz

Current production activity at the M-G-M studio is at an all-time high, Howard Dietz, director of advertising and publicity, reported yesterday on his arrival on the *Stratoliner* from a five-weeks' visit at the studio.

"I've never seen so much activity on our lot," Dietz said. "With 'Pride and Prejudice,' 'Boom Town,' 'I Love You Again,' 'Escape' and 'Strike Up the Band' finished or nearing completion, we have more big pictures coming up for August and early Fall release than during any similar period in the history of our company."

Dietz said that large-scale advertising and promotion campaigns are planned for all of the forthcoming releases. No reductions in advertising appropriations are contemplated, he said, and, on the contrary, they are expected to be even greater.

Namesake

WHEN United Artists start distributing "The Dictator," starring Charles Chaplin, there will be another Charles Chaplin handling sales of the film in New Brunswick.

The manager of the U.A. exchange in St. John, N.B., is Charles Chaplin—no relation of the comedian.

PM Starting Free Theatre Directory

A directory listing 200 New York theatres daily will be started Monday by *PM*, which sells no advertising. The listings will take up a complete page of the tabloid. Information will include the current billing, starting times of evening shows and prices. The new afternoon paper is adopting this as a prospective circulation builder, aiming at the neighborhood as well as the Broadway trade.

Loew's will start its paid theatre directory in the *Journal-American* today, with the Movie Guide to be inserted in other papers later. The circuit plans to spend between $200,000 and $300,000 a year on New York directory advertising. Contracts will aggregate 100,000 lines.

Three a Year for O'Brien

HOLLYWOOD, July 16.—Pat O'Brien, who recently severed his ties as an exclusive Warner contract player, will make three films a year for Warners and be permitted outside pictures.

Personal Mention

R. J. O'DONNELL of the Interstate circuit, Dallas, is in town.

•

A. A. SCHUBART, manager of RKO exchange operations, left yesterday to visit branches in Cleveland, Cincinnati, Memphis and New Orleans.

•

HARRY MANDEL of RKO Theatres will return from a vacation in the South early next week.

•

MATTHEW J. FOX will leave for Syracuse tonight for the premiere of "The Boys from Syracuse" there tomorrow.

•

LOU BROCK, RKO producer, will remain here another 10 days before returning to the Coast.

•

MEL CONHEIM, manager of the Ritz, and ANDREW ROY, manager of the Strand, both Albany Warner houses, have returned from vacations in New York and Cleveland, respectively.

•

LAWRENCE C. CAPLAN, executive secretary of Allied of Connecticut, is spending a week in New Hampshire with MRS. CAPLAN.

•

EDWARD SOKOLOWSKY, former manager of the Capitol, Lowell, Mass., is managing MICHAEL DALY'S Plainfield, Plainfield, Conn., on full Summer schedule.

•

EMANUEL SILVERSTONE, SOL EDWARDS and ABE MONTAGUE lunching at Lindy's (next to the Rivoli) yesterday.

•

WALTER WANGER is expected from the Coast tomorrow. JOAN BENNETT is accompanying him.

•

Warner Theatres' managers in Connecticut area who start vacations this weekend include: J. H. Melnikoff, Warner, Lawrence; C. McHale, Broadway, Lawrence; T. Grace, Circle, Manchester, and R. Maller, Strand, New Britain.

•

JULES CURLEY Warner Theatres' upstate New York advertising manager, is visiting the World's Fair this week.

•

JAMES MULVEY, HARRY BUCKLEY, MORT SPRING, ARTHUR KELLY and L. J. SCHLAIFER lunching at Lindy's (51st St.) yesterday.

•

HERMAN WOBBER, HARRY BUXBAUM, JOHN BYRAM, BARNEY BALABAN, ADOLPH ZUKOR, SAM SHAIN, JOSEPH LEE, EDDIE DOWLING and GUY BOLTON lunching at Sardi's yesterday.

•

HOWARD DIETZ, CHARLES E. MCCARTHY, TOBY GRUEN, JOHN W. HICKS, TOM CONNORS, SIDNEY PHILLIPS and MAX A. COHEN at Nick's Hunting Room in the Astor for lunch yesterday.

•

ABE VAN DEUSEN, RKO booker in Albany, has returned from a vacation.

•

EDWARD DUNN, manager of Tri-States' Paramount, Des Moines, is spending a vacation at home, his young son recuperating from scarlet fever. JACK CARR is manager in DUNN'S absence.

•

EDWARD RICHARDSON, assistant manager at Loew's Orpheum, Boston, has completed a vacation here.

Levy in Chicago on Kent Drive Campaign

M. A. Levy, 20th Century-Fox Minneapolis district manager and Kent Drive leader, arrives in Chicago today on his tour of branches in conjunction with the drive. Rallies are being held at each exchange. Levy is accompanied by Roger Ferri, sales promotion manager.

Final meeting of the drive will be held at the New York exchange Aug. 2.

Canon Chase Dies

Canon William Sheafe Chase, 82, long a foe of Sunday films and Sunday baseball and for 50 years a crusading reformer, died suddenly yesterday in his study. He was a familiar figure at hearings in Washington on anti-block booking and censorship legislation, although he had been inactive in recent years. He was rector of Christ Episcopal Church in Brooklyn for 27 years, until his retirement in 1932.

Van Schmus Improving

W. G. Van Schmus, managing director of the Music Hall, is steadily improving after a recent operation at St. Luke's Hospital, where he has been several weeks.

George Wiley Dies

BUFFALO, July 16.—George Wiley, local film pioneer, died here today.

Newsreel Parade

THE mid-week issues are distinguished by a total absence of war news—unless the Democratic National Convention in Chicago may be classed as such. That conclave takes the spotlight, while Willkie vacations in Colorado. It's domestic news all the way. Here are the contents:

MOVIETONE NEWS, No. 89—Demo[illegible] convene in Chicago. Colonel Knox di[illegible]ses defense. New air school in Califo[illegible]. Henry Ford's grandson weds. Stratoliner leaves for Los Angeles. Lew Lehr. Charity polo on Long Island. Patty Berg turns pro. Toboggan racing in Maine.

NEWS OF THE DAY, No. 287—Democratic convention. Army in new anti-tank tactics. Refugee ship arrives here. Willkie on vacation. Mid-winter fashions. Polo match for Red Cross on Long Island.

PARAMOUNT NEWS, No. 92—Polo stars play for Red Cross fund. Patty Berg turns pro. Water tobogganing in Maine. *Washington* arrives with refugees; Madeleine Carroll gives account of the trip. Elections in Cuba. Henry Ford II and Anne McDonnell wed at Southampton. Willkie vacations in Colorado. Democrats meet in Chicago.

RKO PATHE NEWS, No. 104—Democratic convention in Chicago. Willkie in Colorado. Cuban elections. Society wedding at Southampton. Music Hall Rockettes at the Fair. Red Cross polo match at Long Island.

UNIVERSAL NEWSREEL, No. 893—Democrats' pow-wow. Willkie at Colorado barbecue. Forest fire in Montana. *Washington* arrives with refugees. Rockettes and Midshipmen drill at World's Fair. Hair-pulling contest at Palisades Park. Polo match for Red Cross.

Kreisler Names 'U' Prize Candidates

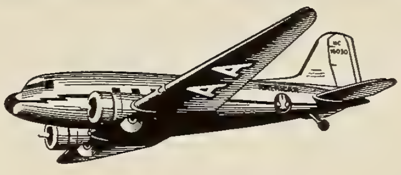
WASHINGTON, July 16.—B. Bernard Kreisler, manager of Universal's branch here, announces exhibitors and bookers eligible for prizes on the basis of standings in the exhibitors's appreciation award contest, conducted by his exchange, as follows:

Exhibitors—Don Reda, Bonny Blue, Va.; C. W. Hicks, Baltimore; Leon Zellers, Baltimore; Bernard Depkin, Jr., Martinsville, Va.; S. S. Ternant, Cumberland, Md.; H. O. Thrush, Keyser, W. Va.; W. G. Myers, Baltimore; Frank Ponton, Martinsburg, W. Va.

Bookers—William Fisher, Washington; Leon Back, Baltimore; Ivan Rosenbaum, Richmond; R. F. Pinson, Charlotte, N. C.; George Wheeler, Bill Jones, Washington; Goleum Ketchum, Charlottesville, Va.; William Henderson, Baltimore.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



CALIFORNIA
TEXAS ★ ARIZONA

4 FLAGSHIPS DAILY COAST-TO-COAST

★ It's a delightfully cool overnight skysleeper trip to Los Angeles via American's Southern All-Year Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAvemeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES
The Sun Country Special 7:05 am
The Plainsman . . . 4:25 pm
The Mercury . . . . 5:10 pm
The Southerner . . .10:15 pm
(Standard Time)
Twice Daily to
MEXICO CITY

AMERICAN AIRLINES Inc.
ROUTE OF THE FLAGSHIPS

'Edison' Gets $31,000; Leads In Boston Lull

BOSTON, July 16.—"Edison the Man" and "Florian" at the two Loew houses, led here. The Orpheum took $18,000 and the State $13,000.

Estimated takings for the week end- July 10:

d of Doomed Men" (Col.)
s of the Road" (Col.)
KEITH BOSTON—(3,200) (15c-20c-39c-44c) 7 days. Gross: $8,000. (Average, $8,000)

"Tom Brown's School Days" (RKO)
"Private Affair" (Universal)
KEITH MEMORIAL—(2,907) (28c-39c-44c-55c) 7 days. Gross: $12,000. (Average, $16,000)

"Untamed" (Para.)
"Gambling on the High Seas" (W. B.)
METROPOLITAN—(4,367) (28c-39c-44c-55c) 7 days. Gross: $11,000. (Average, $15,500)

"The Man Who Talked Too Much" (W. B).
"Manhattan Heartbeat" (20th-Fox)
PARAMOUNT—(1,797) (28c-39c-44c-55c) 7 days. Gross: $6,000. (Average, $7,500)

"The Man Who Talked Too Much" (W.B.)
"Manhattan Heartbeat" (20th-Fox)
FENWAY—(1,320) (28c-39c-44c-55c) 7 days. Gross: $3,800. (Average, $4,500)

"Safari" (Para.)
"Those Were the Days" (Para.)
SCOLLAY—(2,500) (28c-44c-50c). Gross: $3,300. (Average, $4,000)

"Edison, the Man" (M-G-M)
"Florian" (M-G-M)
LOEW'S STATE—(3,000) (28c-39c-44c-55c) 7 days. Gross: $13,000. (Average, $12,000)

"Edison, the Man" (M-G-M)
"Florian" (M-G-M)
LOEW'S ORPHEUM—(2,900) (28c-39c-44c-55c) 7 days. Gross: $18,000. (Average, $17,500)

'Moon' Pittsburgh Hit, Takes $17,500

PITTSBURGH, July 16.—"New Moon" grossed $17,500 at Loew's Penn. "Mortal Storm" drew a nice $6,800 in its second week at the Warner.

"Manhattan Heartbeat" (20th-Fox)
"You're Not So Tough" (Univ.)
"Waikiki Wedding" (Para.)
"Wagons Westward" (Rep.)
ALVIN—(1,800) (28c-39c-55c) 7 days (split). Gross: $6,000. (Average, $7,000)

"New Moon" (M-G-M)
LOEW'S PENN—(3,400) (28c-39c-55c) 7 days. Gross: $17,500. (Average, $13,000)

"Ghost Breakers" (Para.)
RITZ—(800) (28c-44c) 7 days. Gross: $4,200. (Average, $4,000)

"Turnabout" (U. A.)
STANLEY—(3,700) (28c-44c-66c) 7 days. Gross: $8,500. (Average with stage show, $18,000)

"Mortal Storm" (M-G-M)
WARNER—(2,000) (28c-44c) 7 days. Gross: $6,800. (Average, $4,000)

'Hardy' Kansas City Leader with $13,400

KANSAS CITY, July 16.—The Midland made the best showing, $13,400, on "Andy Hardy Meets Debutante" and "The Saint Takes Over." Other first runs felt the heat.

Estimated takings for the week ending July 10-11:

"Gangs of Chicago" (Rep.)
ESQUIRE—(800) (28c-44c including tax) 7 days. Gross: $2,000. (Average, $2,500)

"Andy Hardy Meets Debutante" (M-G-M)
"The Saint Takes Over" (RKO)
MIDLAND—(4,000) (28c-44c including tax) 8 days. Gross: $13,400. (Average, 8 days, $10,500)

"Safari' (Para.)
NEWMAN—(1,900) (28c-44c including tax) 7 days. Gross: $6,000. (Average, $7,000)

"Saps at Sea" (U. A.)
TOWER—(2,200) (30c) 7 days. Stage: Shayne & Armstrong, John Tio, Bogash & Bardine. Gross: $6,000. (Average, $6,000)

"Anne of Windy Poplars" (RKO)
UPTOWN—(2,000) (28.5c-44.5c) 7 days. Gross: $2,500. (Average, $3,500)

Kuykendall, Myers State Views on Goldwyn Article

ED KUYKENDALL, president of the M.P.T.O.A., and Abram Myers, general counsel of Allied States, here state to MOTION PICTURE DAILY *their written views on Samuel Goldwyn's recent* Saturday Evening Post *article attacking double features and attributing them to block booking. Kuykendall endorses the Goldwyn opposition to duals, but says they are not caused by block booking. Myers says the article is "substantially correct." Text of the two statements follows:*

Ed Kuykendall:

"With reference to Samuel Goldwyn's article in the *Saturday Evening Post,* the same is almost a duplicate of a bulletin issued by me two years ago. The M. P. T. O. A. has consistently opposed double bills and giveaways since I have been president.

"Naturally I endorse what Mr. Goldwyn has to say because it is the truth. However, his blaming it on block booking is all wrong. The present situation is because of keen competition and because too many pictures are made each year—and too high a percentage of those made are poor box-office.

"Unless we as an industry stop our production and give more effort to better but fewer pictures, we will find ourselves back in the nickelodeon days. Fewer and better pictures naturally will bring longer runs and better exploitation.

"The public does not demand double bills. Everybody knows that."

Abram Myers:

"Sam Goldwyn probably will be kicked around for his bold utterance, but time will prove that his article was substantially correct.

"There is no demand for run-of-mine pictures. The public no longer 'goes to the movies'; it 'goes to see a picture.' It is attracted or repelled by the quality of the picture or pictures currently on display.

"The industry can not produce enough 'A' pictures to warrant showing two or three on one program. Therefore, double and triple billing force the production of the kind of pictures that is driving the public away from the theatres.

"Pictures must and inevitably will be sold and exhibited on their individual merit. Forcing product on the exhibitors or on the public is evidence of an inability to compete in an open market that will result in the elimination of the distributors and exhibitors who insist upon doing so.

Calls for Action

"The only fault I find with the Goldwyn article is that it gives full faith and credit to the protestations of major company executives whose companies are today responsible for the conditions which Goldwyn deplores. I subscribe to Y. Frank Freeman's sentiments, but wish that he would use his influence in Paramount to correct the horrible condition of affairs in Chicago. If Paramount will lead, the others will follow.

"The industry now has a golden opportunity to set its house in order, yet the headlines reflect only discouragement, lack of leadership and selfishness. The trade press has not raised its voice against efforts to sabotage the consent decree. The industry is under the microscope. If pending negotiations bog down, the blame cannot be put on Allied. The industry will have to get some new whipping boys."

Milwaukee Weighs New Censor Body

MILWAUKEE, July 16. — Reported ready for introduction to the Common Council is an ordinance providing for the establishment of a new motion picture commission having far broader censorship powers than the present advisory board.

The plan is said to call for a three-member paid commission, funds for which would be obtained by a $2 charge for each film previewed. The present commission, created in 1913, has 10 members of whom only the secretary receives any pay.

The present commission has been under fire by Mayor Carl F. Zeidler since it made no protest against "The Primrose Path" at the time of its showing at Fox's Palace here.

Shift 'Mesquiteers' Cast

HOLLYWOOD, July 16.—Republic has signed Rufe Davis and Bob Steele to replace Raymond Hatton and Duncan Renaldo in the "Three Mesquiteer" series. Bob Livingston continues to head the cast.

Circuits Book 'Mill'

World Pictures Corp. has booked "Mill on the Floss" to the Warner, RKO, Fabian and Netco Circuits in upstate New York.

Korda Will Start on 'Cyrano' August 15

HOLLYWOOD, July 16.—Alexander Korda's production of Rostand's "Cyrano de Bergerac" will go into work on Aug. 15. He will direct the film himself, with his brother, Vincent, as art director. Vivien Leigh and Laurence Olivier will be starred. Ben Hecht did the screenplay. United Artists will release.

3 Companies Formed

ALBANY, July 16.—Three new companies incorporated here are: Gibson Theatrical Enterprises, Inc., Buffalo, by Max M. Yellen, F. M. Manner and Helen Persons; Crest Pictures, Inc., by Irving Levin, Irving Klein and Harvey Kirlan, New York, and Kolno Theatre Corp., by V. K. Schwab, Harold Anderson and Bruno Bendix, New York.

Fight Roller Derby

SAN FRANCISCO, July 16. — Local theatre men are considering a protest to the Board of Supervisors against a plan to extend the engagement of the Roller Derby, which opened recently, from a two-week to a four-week run. For the past several years the Derby has been a thorn in the side of local theatres, attracting large crowds through medium of wide distribution of passes.

English Group Fights for Film Act Revision

LONDON, July 16.—The Film Employes Council, representing British studio and theatre employes, is canvassing every member of Parliament in a determined effort to bring about amendment of the Films Act.

Contending that the recent institution of the monetary quota as an alternative to that based on footage is inadequate, the council is appealing for the abolition of the new ruling which permits films made elsewhere in the British Empire to be eligible for the distributors' quota under certain restrictions and limitations.

> [*It is pointed out in New York distribution circles, with reference to the possible use of the Empire clause by American companies in the fulfilling of quota obligations, that the ruling so restricts the Empire-made films for quota use as to make it extremely unlikely that American companies will use the provisions of the clause to any appreciable extent.*]

The organization also is asking that the alternative quota be made provisional on the total actual registered footage being at least half the nominal footage. The nominal footage is the footage calculated on the multiple quota basis.

The council memorandum attacks the new scheme as contributing nothing to British producers, and as likely to mean a 25 per cent decrease in film industry employment.

They also express the fear that the plan is liable to lead to abuses by American companies through the exploitation of the British Empire films clause in the revised film regulations.

British Offer CEA New Tax Schedule

LONDON, July 16.—It is understood on reliable authority here today that the British Treasury Department has asked the exhibitors to accept a new scale of taxation.

The new scale levies a tax of a half-penny on admissions of two pennies and less; one penny on tickets up to four pennies, and three half-pence on tickets up to and including six pennies. Higher admissions are taxed proportionately on the same basic scale.

Informed circles expect the Cinematograph Exhibitors Association will accept the tax on the higher priced admissions, but exhibitors will claim themselves unable to operate under the tax levied on lower admissions. The C.E.A. taxation committee will meet tomorrow and the General Council on Thursday. The C.E.A. will send a deputation to discuss the situation with the Treasury Department on Thursday evening.

Delay Howard Hearing

The State Labor Relations Board hearing involving the Howard Theatre and Local 306 of the operators union, scheduled for today, has been postponed for one week, to July 23.

IT'S 20 DEGREES COOLER AT M-G-M!

Our Summer Release Schedule.
Each Show is a Honey!

"ANDY HARDY MEETS DEB"
Lewis Stone • Mickey Rooney • Judy Garland

•

"SPORTING BLOOD"
Robert Young • Maureen O'Sullivan
Lewis Stone

•

"WE WHO ARE YOUNG"
Lana Turner • John Shelton

•

"GOLD RUSH MAISIE"
Ann Sothern

•

"PRIDE AND PREJUDICE"
Greer Garson • Laurence Olivier

•

"BOOM TOWN"
Clark Gable • Spencer Tracy
Claudette Colbert • Hedy Lamarr

•

"GOLDEN FLEECING"
Lew Ayres • Rita Johnson

•

"I LOVE YOU AGAIN"
William Powell • Myrna Loy

•

"BUSMAN'S HONEYMOON"
Robert Montgomery

SINGING IN THE SHOWER!

LISTEN to that guy yodel!
SURE he's an M-G-M exhibitor!
HE'S got hair on his chest!
MAYBE he doesn't sing so pretty, but he sings
LOUD!
"**NEW** Moon" is one reason—
"**ANDY** Hardy Meets Deb" is another reason!
THE customers are delighted to see
JEANETTE MacDonald and Nelson Eddy together again!
AND the combination of
MICKEY Rooney and Judy Garland is sure-fire!
HOLD-OVER business—so watch your bookings please!
KEEP on singing Mr. M-G-M Exhibitor—
YOU'RE doing your share to bring
COMFORT and relaxation to the public!
IT helps keep America sane and sensible.
M-G-M is singing too!
"**PRIDE** and Prejudice" is another sweetheart
GREER Garson, Laurence Olivier are great in it.
"**BOOM** Town" exceeds the rosiest hopes. It's terrific!
GABLE, Tracy, Colbert, Lamarr—what a cast!
ALL summer long we've got
GREAT entertainments for your eager public.
AND what a Fall line-up!
ISN'T it just plain common sense
TO get set with M-G-M for 1940-41 and enjoy
THAT happy feeling!

'New Moon' Is Philadelphia's Best, $20,000

PHILADELPHIA, July 16.—Aided by rain on July 4, downtown houses did unusually good business. "New Moon" at the Boyd drew $20,000, "The Ghost Breakers" at the Fox did $18,600.

Estimated takings for the week ending July 10-12:

"Waterloo Bridge" (M-G-M)
ARCADIA—(600) (35c-46c-57c) 2nd run, 2nd week, 7 days. Gross: $3,900. (Average, $2,600)
"New Moon" (M-G-M)
BOYD—(2,400) (35c-46c-57c-68c) 7 days. Gross: $20,000. (Average, $13,000)
"An Angel From Texas" (W. B.)
CARMAN—(2,500) (28c-35c-46c) 7 days. Vaudeville bill including Eddie White, Dorine & Vallee, Ginger Dulo, the Seven Uyenos and Frank Conville and Sunny Dale. Gross: $5,400. (Average, $5,200)
"Safari' (Para.)
EARLE—(4,000) (35c-46c-57c-68c) 7 days. Gross: $10,700. (Average, $14,000)
"The Ghost Breakers" (Para.)
FOX—(3,000) (35c-46c-57c-68c) 7 days. Gross: $18,600. (Average, $13,000)
"Brother Orchid" (W. B.)
KARLTON—(1,000) (35c-46c-57c-68c), 2nd run, 7 days. Gross: $3,000. (Average, $3,000)
"Susan and God" (M-G-M)
KEITH'S—(2,200) (35c-46c-57c-68c) 2nd run, 7 days. Gross: $3,300. (Average, $4,500)
"If I Had My Way" (Univ.)
STANLEY—(3,700) (35c-46c-57c-68c) 7 days. Gross, $11,200. (Average, $14,000)
"21 Days Together" (Col.)
STANTON—(1,700) (35c-46c-57c) 7 days. Gross: $5,600. (Average, $4,500)

'Hardy' at $14,500; Providence Slips

PROVIDENCE, July 16.—"Andy Hardy Meets Debutante," paired with "Phantom Raiders" at Loew's State was good for $14,500, but business elsewhere was poor. Excellent weather over the weekend sent the crowds to the beaches.

Etimated takings for the week ending July 10-11:

"Andy Hardy Meets Debutante" (M-G-M)
"Phantom Raiders' (M-G-M)
LOEW'S STATE—(3,232) (28c-39c-50c) 7 days. Gross: $14,500. (Average, $11,000)
"All This, and Heaven Too" (W. B.)
MAJESTIC—(2,250) (28c-39c-50c) 7 days, 2nd week. Gross: $5,500. (Average, $7,000)
"Mad Men of Europe" (Col.)
"French Without Tears" (Para.)
STRAND—(2,200) (28c-39c-50c) 7 days. Gross: $5,000. (Average, $6,000)
"Leopard Men of Africa" (Select)
"Hold That Woman" (P. R. C.)
FAYS—(1,800) (15c-28c) 7 days. Gross: $1,800. (Average, $2,500)
"New Moon" (M-G-M)
CARLTON—(1,526) (28c-39c-50c) 7 days, 2nd week. Gross: $2,150. (Average, $3,500)
"Irene" (RKO) (3 days)
"Charlie Chan's Murder Cruise" (20th-Fox) (3 days)
"Lillian Russell" (20th-Fox) (4 days)
"Dr. Kildare's Strange Case" (M-G-M) (4 days)
EMPIRE—(2,200) (20c-28c) 2nd run. Gross: $1,450. (Average, $1,700)

K. C. Board Named

KANSAS CITY, July 16.—The advisory board of the Municipal Auditorium, which replaces the board of governors that formerly ruled the $7,000,000 competitor of theatres, has been named by Mayor John B. Gage. Represented are a hotel man, banker, insurance agent, merchant, street railways representative, Chamber of Commerce, etc. The amusement industry is not represented.

Republic Signs Goodman For Its Biggest Musical

HOLLYWOOD, July 16. — Republic has signed BENNY GOODMAN and his band, FRANCES LANGFORD, ANN MILLER, HUGH HERBERT and KENNY BAKER for the biggest musical in its history, "Hit Parade," which starts shooting Aug. 5. SOL SIEGEL will produce and JOHN H. AUER direct.

JACK MURTON *has been set as casting director for* BORIS MORROS-ROBERT STILLMAN'S *National Pictures. . . .* VERREE TEASDALE *has been cast for the* FRED ALLEN-JACK BENNY *picture, "Love Thy Neighbor," at Paramount. . . .* HARRY SHANNON *has been signed for "Too Many Girls,"* GEORGE ABBOTT *production for RKO. . . . Warners now has* IDA LUPINO *under contract for three pictures a year, because of her work in "They Drive by Night." . . . MGM has given* DONALD MEEK, *"Bartholomew, the Bee Man" in the Nick Carter series, a term contract. . . .* JANE WITHERS' *next picture at 20th Century-Fox will be "Owners Up," story of trotting races written by* THOMAS LANGAN *and* ROY CHANSLOR. OLIVER MOROSCO *and* WALTER DIETRICH *will produce.*

WILLIAM GARGAN gets a term contract at RKO. . . . "Chad Hanna," which will be one of 20th Century-Fox' big pictures, will be directed by HENRY KING. . . . New 20th Century-Fox castings: ARLEEN WHELAN to "Charter Pilot," and RUSSELL GLEASON to "Yesterday's Heroes." . . . AL LEVOY, M-G-M producer, has left the lot upon completion of his contract. . . . WILLIAM HOLDEN and RAY MILLAND will share top honors in Paramount's "I Wanted Wings," which ARTHUR HORNBLOW, JR., will produce. . . . ALBERT MANNHEIMER, writer, has been given an M-G-M term contract. . . . "South of Suez," co-starring GEORGE RAFT and GERALDINE FITZGERALD, will start shortly at Warners.

LEE PATRICK has been added to the cast of "Honeymoon for Three," starring GEORGE BRENT and ANN SHERIDAN at Warners. . . . BASIL RATHBONE and GALE SONDERGAARD join "The Californian" troupe at 20th Century-Fox. . . . "The Ghost of the Cisco Kid," which was suspended because of CESAR ROMERO's illness, will resume shooting about Aug. 1. . . . M-G-M Producer ARTHUR FREED, now making "Strike Up the Band," has received a new contract.

"That Gang of Mine" will be Producer SAM KATZMAN'S *next picture for the East Side Kids at Monogram.* JOE LEWIS *will direct. . . .* KURT SIODMAK *is working on the script of "The Ape," play by* ADAM HULL SHIRK, *designed as a* BORIS KARLOFF *vehicle at Monogram. . . .* ROBIN DEVAL, *now appearing in Republic's "Ride, Tenderfoot, Ride," has changed her name to* PATTI SAKS.

First of the eight "Range Dusters" westerns GEORGE WEEKS plans for Monogram release is under way, with CRASH CORRIGAN, DUSTY KING, ALIBI TERHUNE and LUANA WALTERS in the leads. . . . LINDSLEY PARSONS, Monogram producer, has purchased "My Home Town," LESTER FRIEDMAN original, as a FRANKIE DARRO vehicle.

'Mortal Storm' Gets $9,300 in Montreal

MONTREAL, July 16.—"The Mortal Storm" at Loew's drew $9,300. "The Ghost Breakers" took $6,900 at the Palace. The weather was hot.

Estimated takings for the week ending July 12:

"An Englishman's Home" (Brit.)
"Second Honeymoon" (20th-Fox)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $6,000. (Average, $8,000)
"The Mortal Storm" (M-G-M)
LOEW'S—(2,800) (30c-40c-60c) 7 days. Gross: $9,300. (Average, $8,000)
"One Million B. C." (U. A.)
"Saps at Sea" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days, 3rd week. Gross: $1,300. (Average, $5,000)
"The Ghost Breakers" (Para.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $6,900. (Average, $9,000)
"Phantom Raiders'" (M-G-M))
"Dr. Kildare's Strange Case" (M-G-M)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $4,000. (Average, $5,000)

Open New AGVA Offices

SAN FRANCISCO, July 16. — New downtown offices, fully equipped with assembly rooms, game rooms and other facilities, will be opened Aug. 1 by the American Guild of Variety Artists here, according to Vic Connors, northern California executive secretary.

Columbia Buys Novel

Susan Glaspell's new novel, "The Morning Is Near Us," has been purchased by Columbia. B. P. Schulberg will produce the story.

'Hardy' Cincinnati Winner at $13,700

CINCINNATI, July 16.—"Andy Hardy Meets Debutante" gave the RKO Palace a big $13,700. "The Ghost Breaker" did a nice $5,800 at the RKO Capitol.

Estimated takings for the week ending July 10-13:

"Safari" (Para.)
RKO ALBEE—(3,300) (39c-47c) 7 days. Gross: $8,000. (Average, $12,000)
"Andy Hardy Meets Debutante" (M-G-M)
RKO PALACE—(2,700) (39c-47c) 7 days. Gross: $13,700. (Average, $10,000)
"The Ghost Breaker" (Para.)
RKO CAPITOL—(2,000) (39c-47c) 7 days, 2nd week. Gross: $5,800. (Average, $6,500)
"The Outsider" (Alliance)
"Saps at Sea" (U. A.)
RKO LYRIC—(1,400) (33c-42c) 7 days. Gross: $3,800. (Average, $5,000)
"Gaucho Serenade" (Rep.)
"I Take This Oath" (Producers Releasing)
RKO FAMILY—(1,000) (15c-28c) 4 days. Gross: $1,100. (Average, $1,500)
"The Lone Wolf Meets a Lady" (Col.)
"Tomboy" (Mono.)
RKO FAMILY—(1,000) (15c-28c) 3 days. Gross: $900. (Average, $900)
"New Moon" (M-G-M)
KIETH'S—(1,500) (39c-47c) 7 days, 2nd week. Gross: $4,000. (Average, $6,000)

Turf Award to Zanuck

A turf magazine, *The Rider and Driver,* has named Darryl F. Zanuck, vice-president in charge of 20th Century-Fox production, this year's winner of the Silver Horseshoe award for advancement of the sport of steeplechase racing. The award was given because of the treatment of the sport in the film, "Maryland."

'Sandy,' Show Loop Winner With $21,000

CHICAGO, July 16.—"Sandy Is a Lady," with a "Funzafire" stage unit at the Oriental, drew a strong $21,000. "Brother Orchid" at the Chicago, with Rochester and the De Marcos on the stage, drew $38,000.

Estimated takings for the week ending July 12:

"Susan and God" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: $5,000. (Average, $6,500)
"Brother Orchid" (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Rochester and the De Marcos. Gross: $38,000. (Average, $32,000)
"Ghost Breakers" (Para.)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: $4,000. (Average, $5,000)
"Sandy Is a Lady" (Univ.)
ORIENTAL—(3,200) (25c-40c) 7 days. Stage: Funzafire Unit. Gross: $21,000. (Average, $13,000)
"Mortal Storm" (M-G-M)
ROOSEVELT—(1,500) (35c-55c-75c) 7 days. Gross: $7,500. (Average, $11,000)
"Dark Command" (Rep.)
STATE-LAKE—(2,700) (25c-35c-50c) 7 days. Stage: Warren Hymer and Estelle Taylor. Gross: $18,000. (Average, $15,000)
"New Moon" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $12,000. (Average, $14,000)
"Gone With The Wind" (M-G-M)
WOODS—(1,100) (75c-$1.10-$1.50) 7 days, 24th week. Gross: $12,000.

'Lady,' Calloway $23,000, Detroit

DETROIT, July 16.—The Fox drew $23,000 with "Sailor's Lady" and Cab Calloway with his Cotton Club orchestra on the stage. "Andy Hardy Meets Debutante" and "The Captain Is a Lady" took $15,000 at the Michigan.

Estimated takings for the week ending July 11:

"Lost Horizon" (U. A.)
"The Awful Truth" (Col.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)
"Waterloo Bridge" (M-G-M)
"Saturday's Children" (W. B.)
FISHER—(2,700) (15c-44c) 7 days. Gross: $6,800. (Average, $7,000)
"Sailor's Lady" (20th-Fox)
FOX—(5,000) (15c-55c-65c) 7 days. Stage: Cab Calloway. Gross: $23,000. (Average, $15,000)
"Andy Hardy Meets Debutante" (M-G-M)
"The Captain Is a Lady" (M-G-M)
MICHIGAN—(4,000) (15c-55c-65c) 7 days. Gross: $15,000. (Average, $12,000)
"The Mortal Storm" (M-G-M)
"Susan and God" (M-G-M)
PALMS—(2,000) (15c-55c) 7 days. Gross: $7,000. (Average, $7,000)
"New Moon" (M-G-M)
"A Bill of Divorcement" (RKO)
UNITED ARTISTS—(2,000) (15c-39c-55c) 7 days. Gross: $12,000. (Average, $10,000)

Patricola Obtains Writ

N. Y. Supreme Court Justice Benvenga has issued an injunction restraining Canio Muliero from using the name Tom Patricola, Jr., in an action brought by Tom Patricola, the actor, who protested against the use of his name by Muliero, who performs in a night club.

Schick Sells Interest

OAKLAND, Cal., July 16.—Henry G. Schick has sold his interest in the Star Theatre to George Shey, his partner, to join the sales staff of National Theatre Supply Co. in Los Angeles.

'Moon' Takes Strong $8,100, High in Seattle

SEATTLE, July 16.—"New Moon" led the parade here, with $8,100 at the Fifth Avenue. "Turnabout" took $6,000 at the Liberty. The weather continued warm.

Estimated takings for the week end- July 12:

"Our Town" (U. A.)
"The Girl in 313" (20th-Fox)
BLUE MOUSE—(950) (25c-35c-50c) 7 days, 2nd week. Gross: $3,000. (Average. $4,000)

"New Moon" (M-G-M)
FIFTH AVENUE—(2,500) (25c-35c-50c-65c) 7 days. Gross: $8,100. (Average, $7,000)

"Turnabout" (U. A.)
LIBERTY—(1,800) (25c-35c-50c-65c) 7 days, 2nd week. Gross: $6,000. (Average $5,000)

"The Mortal Storm" (M-G-M)
"Pop Always Pays" (M-G-M)
MUSIC BOX—(950) (25c-35c-50c-65c) 7 days, 2nd week. Gross: $3,500. (Average, $4,000)

"Sailor's Lady" (Univ.)
"The Saint Strikes Back" (RKO)
ORPHEUM—(2,450) (25c-35c-50c) 7 days. Gross: $5,000. (Average, $6,000)

"Gaucho Serenade" (Rep.)
PALOMAR—(1,500) (25c-35c-50c) 7 days. "A Night in Havana" on stage. Gross: $5,300. (Average, $5,000)

"Untamed" (Para.)
"Sandy Is a Lady" (Univ.)
Parmount—(3,050) (25c-35c-50c) 7 days. Gross: $6,700. (Average, $6,000)

'Hardy' Is $12,000 Hit in Indianapolis

INDIANAPOLIS, July 16.—"Andy Hardy Meets Debutante" and "The Captain Is a Lady" took a strong $12,000 at Loew's in a week of hot weather.

Estimated takings for the week ending July 12:

"Untamed" (Para.)
"Those Were the Days" (Para.)
CIRCLE—(2,800) (28c-33c-44c) 7 days. Gross: $5,000. (Average, $6,000)

"Andy Hardy Meets Debutante" (M-G-M)
"The Captain Is a Lady" (M-G-M)
LOEW'S—(2,800) (28c-33c-44c) 7 days. Gross: $12,000. (Average, $7,000)

"Hot Steel" (U. A.)
LYRIC—(2,000) (28c-33c-44c) 7 days. Stage: Ben Bernie's band and show. Gross: $11,000. (Average, $8,000)

'Breakers' Scores Big $8,100 in Omaha

OMAHA, July 16.—"Ghost Breakers" soared to $8,100 at the Orpheum. Closing of Ak-Sar-Ben race track is expected to help business.

Estimated takings for the week ending July 10-11:

"Anne of Windy Poplars" (RKO)
"Flight Angels" (W. B.)
BRANDEIS—(1,200) (30c-40c-44c) 7 days. Gross: $3,600. (Average, $4,000)

"Andy Hardy Meets Debutante" (M-G-M)
"Phantom Raiders" (M-G-M)
OMAHA—(2,200) (30c-44c) 7 days. Gross: $6,800. (Average, $6,000)

"Ghost Breakers" (Para.)
"Biscuit Eater" (Para.)
ORPHEUM—(3,000) (30c-44c) 7 days. Gross: $8,100. (Average, $7,200)

Weiser to Kansas City

HOLLYWOOD, July 16.—Martin Weiser, assistant exploitation man for Warners here for the past year, has been transferred to handle exploitation in Kansas City.

Nigh Directs 'Yukon'

HOLLYWOOD, July 16. — William Nigh has been assigned to direct the Jack London story, "Queen of the Yukon," which Paul Malvern is producing for Monogram.

Theatre Changes

RKO to Drop House

CINCINNATI, July 16.—RKO will relinquish title to the 1,500-seat suburban Orpheum Aug. 31, upon expiration of the lease, which was negotiated five years ago. It is understood that the owners, Jack and Chester M. Martin, will improve the house and reopen it as a subsequent run.

To Rebuild Two Houses

ALBANY, July 16.—Two theatres which burned in the past few months are to be rebuilt. Chris Buckley, Bennington, Vt., exhibitor, who has a 21-year lease for Fabian rental of Harmanus Bleecker Hall here, has given notice of his intention to rebuild, as permitted by the lease. Teddy Berkley, whose Capitol, Harrisville, N. Y., burned in January, will start to rebuild shortly.

Two Houses Taken Over

ALBANY, July 16.—Kallet Circuit, Oneida, N. Y., has taken over the Paramount, Schroon Lake, and Harry Savett is now operating Charles Girard's Lyric at Tupper Lake Junction.

Activity in St. Louis Area

ST. LOUIS, July 16.—Following are latest developments in theatre activity in this territory. The Varsity theatre, the newest house in the Rodgers Circuit, has opened at Carbondale, Ill. George Hayes is the manager. Jesse Bizzle expects to open his new theatre in Gondola, Ill., this month. The Fox Ozark Theatres Corp., an affiliate of the Fox Midwest Amusement Co. has let a contract for a new house at Sedalia, Mo. The Majestic in Memphis, Mo., will be renamed the Time after $20,000 worth of alterations and improvements are completed. Eben Hayes will own and operate the theatre. New equipment has been purchased by the Hall theatre, Columbia, Mo., by Homer Woods, and by T. C. Dusenbere for his Red Bud theatre in Red Bud, Ill. Alterations have been completed in the theatre in Carrollton, Ill., of the Pirtle Circuit. O. T. Weakly of Shelbyville, Ill., has purchased the Okaw in Findlay, Ill., from J. F. Jannsen. Jannsen then leased a larger theatre in New Baden, Ill., from Fred Hocker.

Remodel Missouri House

KANSAS CITY, July 16.—The Associated Theatres of Independence, Mo., will complete the $50,000 remodeling of the Granada by Aug. 1, according to J. A. Becker, and it will reopen as a 30-cent house.

Buys California House

ST. HELENA, Cal., July 16.—L. A. Schelling has purchased the Liberty Theatre from Jack Wilson.

Remodel Theatre on Coast

TURLOCK, Cal., July 16.—Approximately $15,000 is being spent to remodel the Turlock Theatre here.

Manages Frisco Larkin

SAN FRANCISCO, July 16.—Roland Lloyd of Kansas City has been appointed manager of the Larkin, operated by Herbert Rosener, Inc.

Delay Canada Opening

TORONTO, July 16.—The construction of the Seneca at Niagara Falls, Ont., by Famous Players Canadian Corp. has not proceeded as scheduled because of war difficulties and the opening of the new house has been postponed until September.

Gets Rochester Post

ROCHESTER, July 16.—New manager of the Riverside in Buffalo is Robert Emory, who was transferred to that post from the assistant managership of the Babcock in nearby Bath.

To Close Part Time

WINFIELD, Ia., July 16. — E. S. Tompkins will close the Winfield Theatre on Sunday and Monday nights until the first of September.

Open Kansas House Soon

KANSAS CITY, July 16.—The new theatre at Caney, Kan., practically rebuilt from the old Liberty by Larry Larsen, architect and builder, will be opened shortly by C. R. Gregg. The new house, renamed the Gregg, has been closed for two months.

Photophone Deals Closed

RCA Photophone has closed deals for equipment in the following theatres: Glenn Carey, Putnam, Hurricane, W. Va.; Elias Hatem, Linda, Shawnee, O.; E. E. Mitterling, Fargo, Sycamore, Ill., just taken over and renamed the State; W. E. Cox, Casa Grande, Ariz, new house; Charles Lawler, Morris, Morris, Minn.; Chester Currie, new Pawtucket, R. I., house not yet named.

Plan New Illinois House

SANDOVAL, Ill., July 16.—Robert Cluster, Salem, Ill., is planning a new theatre here. The town has no picture theatre at present.

Two Get New Equipment

COLUMBUS, Mo., July 16.—Homer Woods, manager of the Hall Theatre here, and T. C. Dusenbere, owner of the Red Bud Theatre, Red Bud, Ill., have installed new equipment in their houses.

Duvivier Says Pictures Less Costly Here

(*Continued from page* 1)

for his and Duvivier's pictures with several companies. So far no deal has been made.

Both Duvivier and Graetz believe that there is a place in America for the kind of pictures which Duvivier knows how to make. In France his production costs averaged around $160,000 to $170,000 a picture and in America, of course, they would average higher, but not quite as high as many American productions. It is Duvivier's feeling, and also Graetz', that foreign language pictures have not much chance in America, although there have been one or two exceptions like "Mayerling," which may have grossed in the neighborhood of $100,000 and which is considered the top figure for any foreign language picture. "Carnet de Bal," about which critics raved, grossed $15,000 to $18,000.

These figures have impelled Graetz and Duvivier to come over personally and try to establish themselves in America and make that type of picture here which they have made successfully in France, but in English and thus enter the larger world market.

Duvivier has been in production 24 years, although he is only 44 now. And he sums up the difference between American and French production with the word "retake." He says in France they never had enough money for retakes and so the picture had to be ready for the screen when it was first completed. No second guess could be financed.

Terry-Toons Reopens

The Terry-Toons cartoon studio at New Rochelle, N. Y., has reopened after a vacation shutdown of several weeks.

Don't be a wallflower! Learn how to attract men! See

PRIDE AND PREJUDICE

(M-G-M hit starring GREER GARSON & LAURENCE OLIVIER)

Coming Soon!

Condensations of Old Hits Para. Plan

HOLLYWOOD, July 16. — Condensed versions of great pictures made years ago, with new prints and new sound tracks are put forth by the Paramount studio as a new idea in screen entertainment.

After six months of secret preparation, Herbert Moulton, in charge of short subject and trailer production at the studio, has produced an abridged 45-minute version of "Love Me Tonight," starring Maurice Chevalier, Jeanette MacDonald and Myrna Loy, originally released in 1932.

The new tabloid version will have its world premiere Thursday at the Paramount, Los Angeles, where it will be shown with "Those Were the Days."

"Love Me Tonight" is the first of a proposed series of modernized productions. A romantic opera, it introduced such songs as "Mimi," "Isn't It Romantic," "Love Me Tonight," "The Son of a Gun's a Tailor."

Modern sound re-recording technique brings the dialogue and the music up to the standard of present-day talking pictures, according to the studio.

Other pictures slated for the streamlining are "Design for Living," "Lives of a Bengal Lancer," "Night After Night," "One Hour With You."

Omaha Takes Not Affected by Levy

OMAHA, July 16.—Exhibitors and the public alike have accepted the defense tax on admissions as a matter of form. The general attitude is: "We have it, so let's make the best of it!"

Exhibitors reported no noticeable loss of grosses due to the tax. The tax was added to the regular admission price throughout the Nebraska-Iowa area and exhibitors made it plain in their advertising the increase was "defense tax" and meant no additional profit for them.

Tri-States Theatres and the Brandeis Theatre raised matinee prices from 25 to 30 cents, with the extra two cents "for extra bookkeeping." These first runs went to 44 cents at night, adding the tax to the regular 40-cent scale. Suburbans, both independent and circuit, went to 28 cents, including tax.

Cuts Price to 20 Cents

PLYMOUTH, O., July 16.—The Plymouth, managed by Ed Ramsey, the only house here, has reduced admissions from 25 to 20 cents to avoid the Federal admission tax.

F. P. Canadian Drops Plan for Convention

TORONTO, July 16.—Plans have been abandoned by Famous Players Canadian Corp. for the 1940 managers' sales conventions in Eastern and Western Canada because of the war conditions and because of the attention which has been devoted to the Win the War Campaign of the Canadian film industry.

Tentative dates of July 30-31 had been set for the Eastern convention, the Western meeting to be held later the same week at Vancouver. District managers attended a general meeting here earlier this Summer and will call district meetings soon.

Off the Antenna

NBC yesterday began its twice-daily telecast of the Democratic National Convention in Chicago, using clips from the RKO Pathe newsreel as source material. That method was necessary because the convention is too far from transmission headquarters here. In the case of the Republican meeting in Philadelphia, the use of the coaxial cable made on-the-spot coverage possible.

Yesterday's telecast was satisfactorily clear, both visually and audially, but it necessarily lacked the dramatic effect of being a direct broadcast of the meeting. It was, in effect, like looking at a newsreel brought into the home on a miniature screen—and one day late.

• • •

Purely Personal: *Niles Trammel, newly elected president of NBC, will attend the National Association of Broadcasters' annual convention in San Francisco, Aug. 4-7. . . . Frank Braucher, vice-president in charge of sales for WOR, is vacationing, but no one knows where. . . . Helen Baylis, WOR receptionist, was married last week to Raymond R. Withey, air conditioning engineer. . . . Ruth Peterson, actress on KGO and KPO, San Francisco, last week married Charles Patrick Breen, of the city's Recreation Commission. . . . Dinah Shore will be the guest performer on the Schaefer Summertime Revue over WEAF tomorrow at 7:30 P.M. . . . Wilbur Edwards, associated for the past two and a half years with WBT, CBS station in Charlotte, N. C., has joined the sales staff of WABC.*

• • •

In the opinion of Kansas druggists and grocers, radio is by far the most effective advertising medium, according to a survey conducted by the Kansas State College and presented to CBS.

• • •

Program News: Responding to requests of advertising agencies for one-minute spot commercials, WOR has developed a program as a vehicle for them. It will include electrically transcribed music, plus the chatter of Henry Morgan, master of ceremonies, and will be heard Mondays through Fridays, 10:30 to 10:45 P. M., beginning July 22.

• • •

What is probably the first example of anyone being hired as the result of a television program—and not as a performer—occurred the other day. Jack Poppele, chief engineer of WOR, was tuned in at his South Orange, N. J., home, on the television spelling bee conducted by Paul Wing. Norma Miller of Paterson, N. J., and the Katherine Gibbs School, was a contestant. Poppele was so impressed with Miss Miller's appearance (she won the spelling bee) that he communicated with the Gibbs School and hired Miss Miller, to the satisfaction of everyone concerned.

Canadian Radios Gain 10%, To 1,345,157 in Fiscal Year

TORONTO, July 16.—Figures issued by the Ministry of Munitions and Supplies, Radio Division, for the past fiscal year show an increase of 4.5 per cent in the number of radio licenses issued by the Dominion Government to residents of the Province of Ontario. The total for this zone was 520,503 at the end of March, compared with 497,858 a year previously.

Revised statistics for the whole country reveal a new high record in the number of radio licenses issued, reflecting the increased interest in world and domestic events, the total for the Dominion being 1,345,157—an increase of nearly 10 per cent over the preceding fiscal 12 months.

Cornwall, youngest city of the Dominion with a population of 12,000, leads all municipalities with a population of 5,000 or more with a total of 4,064 licenses, or a "density" of 360 radios for every 1,000 persons—less than three persons to a set. Among the large cities of Canada, the greatest percentage is found in Victoria, B. C., where 352 radio licenses were issued per 1,000 population.

During the first quarter of 1940, factory sales of radio sets in Canada established a new record of 71,503 units, having a retail value of $3,524,190. The figure for the corresponding months a year ago has been exceeded by 76 per cent. In Ontario, the number of sets sold during the first three months of 1940 advanced to 32,292, compared with 19,963 one year previously. Sales in Quebec were 14,348 compared with 8,992 for the first quarter of 1939 and other comparisons are: Maritime Provinces, 7,454 from 2,146; British Columbia, 5,871 from 2,495; Saskatchewan and Alberta, 5,487 from 2,707, and Manitoba, 6,051 from 3,770.

Milwaukee Council May Ban Carnivals

MILWAUKEE, July 16.—The executive board of Mayor Carl F. Zeidler's Advisory Council has voted to request the Common Council to "prohibit and suppress" all carnivals in the city. The board concurred in the recommendations of its public service committee, which made a careful study of the carnival situation, according to Chester V. Salomon, committee secretary.

Conn. Tourney Prizes

NEW HAVEN, July 16.—More than 50 prizes will be awarded golfers and non-golfers at the fifth annual film golf tournament of the New Haven district, sponsored by the Connecticut M.P.T.O. Aug. 6 at Race Brook Country Club. Among prize donors to date are George Dembow of New York, Morris Nunes, Maurice N. Wolfe, Martin E. Kornbluth, Herman Pickus, Alexander Premium, Tim O'Toole and J. Johnson.

2 Mutual Men to Relate Experiences

Waverly Root, Paris representative for Mutual, and Victor Lusinchi, formerly a representative with the French army, will relate their experiences tonight from the deck of the *Manhattan*, on which they are arriving. The discussions will be broadcast over Mutual from 8:15 to 8:25 P.M.

'Forecast' Series Bows In Over CBS

"Forecast No. 1 and No. 2," the initial pair of a series of programs replacing the Lux Radio Theatre until the Fall, were presented over CBS on Monday, 9 to 10 P. M.

The offering was divided in two one-half hour shows, the first originating in New York, the other in Hollywood.

The first half hour was a "Battle of Music" in which classical and swing music were contrasted. The latter half was a dramatization of Booth Tarkington's "The Gentleman from Indiana" with Fredric March and Florence Eldrich in the top roles.

The forthcoming shows will be similarly presented with each of the dramatizations having an Americanism theme, featuring prominent stage and screen personalities.

Trammell Named BMI Lohr Successor

The board of directors of Broadcast Music, Inc., yesterday elected Niles Trammell, new president of NBC, as a member of the board, succeeding Lenox Lohr, who resigned recently as NBC head. Trammell was present at yesterday's session.

The board discussed several deals on music catalogues which are currently in process of negotiation, and gave detailed attention to the revised allocation of payments by station members of B.M.I.

Radio Coordination Not Yet Worked Out

WASHINGTON, July 16.—Organization of the Coordinating Committee for Communications has not yet been worked out, it was indicated today by President Roosevelt.

The National Defense Advisory Commission is working with the Federal Communications Commission and the industry in developing the plan, the President explained, and no details have yet been laid before him.

'Platform' Ends July 20

The CBS "People's Platform" series, broadcast 7 to 7:30 P. M. on Saturdays, will terminate July 20. The final program will come from Havana where delegates to the Inter-American conference will discuss Pan-American unity.

Renew 'Beauty Explorer'

"Beauty Explorer," sponsored by the Colonial Dames, and heard Fridays 8:55 to 9 P. M. over seven stations of the CBS Pacific network, has been renewed for 13 weeks.

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 13 NEW YORK, U. S. A., THURSDAY, JULY 18, 1940 TEN CENTS

First Decree Draft May Be Delayed

Negotiators Coordinating Various Proposals

Defendant company negotiators and the Government attorneys framing the first draft of the consent decree in settlement of the Government's New York anti-trust suit now consider it problematical whether any unified draft will be possible by the end of this week.

This was learned following conferences yesterday. Company executives met with their negotiators and discussed the collection of all drafts of the various isolated subjects taken up so far with the Government attorneys.

Later there was another meeting at the Bar Association between the negotiators and the Government lawyers.

The discussions between the negotiators and the company executives revolved about progress which has been made to date in the negotiations. None of the isolated subject drafts have been reduced to final and connected form, it was learned. They are in no sense complete.

There was further discussion on the "escape" clause, and insofar as could be learned there was no further agreement on any vital settlement proposal reached yesterday.

Coast Flashes

HOLLYWOOD, July 17.—Leo Katz, inventor of a self-heating food container, today filed suit in Superior Court here seeking $150,000 damages from 20th Century-Fox for alleged libel and invasion of property rights. He charges that the film, "Jones Family on Their Own," used a character who had a chemical food heater similar to his which was portrayed as causing noxious fumes, and that as a result his business suffered.

●

Will H. Hays is expected here Friday. He will spend the weekend at his ranch before taking up his office duties Monday.

●

B. G. DeSylva today was signed by Paramount as an associate producer. He will report to the studio after launching the new Cole Porter-Herbert Fields show on Broadway. His most recent work was the production of "Bachelor Mother" for RKO.

U.S. Concerned at 'Frozen' Fund Use For Only 3 Months

LONDON, July 17.—American interests are greatly concerned that the new British Government authorization permitting the use of "frozen" funds for British product will be effective only until Oct. 31, it is understood here. That is the date on which the currency agreement between American distributors and the British Government expires.

The short time limit on the new authorization virtually sanctions the continuance of major British production for only three months. This conclusion is believed based on the assumption that British production of consequence would be stimulated by the investment of "frozen" American funds.

There has been no consideration given by the British Government to a new exchange agreement following the expiration of the present arrangement on Oct. 31. It is understood that no conversations have been held by the Government with American distribution representatives.

Para. Partners in Atlantic City Meet

Paramount theatre operating associates will hold a third regional conference this weekend at Hotel Haddon Hall, Atlantic City, called at the suggestion of E. V. Richards.

Earlier meetings were held at Old Point Comfort, Va., and Chicago during recent weeks. Barney Balaban, Leon Netter, Leonard Goldenson and Sam Dembow will represent the home office. They leave for Atlantic City today.

Theatre associates who will attend include: R. J. O'Donnell, E. V. Richards, Robert Wilby, H. F. Kincey, Robert Lucas, Sam Pinanski and Martin Mullin.

'BOOM TOWN' WILL GET HIGHER SCALE

Exhibitors Responding To Schenck Plan For Increasing Revenue

By SAM SHAIN

Metro's "Boom Town," with Clark Gable, Spencer Tracy, Hedy Lamarr and Claudette Colbert, company officials have decided, is big enough and good enough to warrant asking exhibitors throughout the country to consider raising box-office scales by one-third when showing this film late in August. It is understood that Nicholas M. Schenck, president of Metro, personally brought back this view from Hollywood, where he recently had gone especially to see the picture.

Metro does not contemplate any alteration in the terms under which "Boom Town" already has been sold, it is asserted. The terms stay as is.

Metro, according to company advices, is putting the matter up personally to exhibitors and has offered unprecedented cooperation in this sudden effort to test a rise in admission prices. Nicholas Schenck is said to be the father of the plan and it is said that his views are based on the premise that if the principal companies of the industry every year were to proffer one picture big enough and good enough to warrant such an upward revision of scales, the industry could recover anywhere from $18,000,000 to $25,000,000 of hidden revenue in this country and thus make up for the tremendous losses suffered in for-

(*Continued on page 7*)

Nazis Ban Films In Seized Areas

Reports that Germany will prohibit the exhibition in all occupied territories of films not censored within Germany prior to 1937 reached here yesterday.

No confirmation of the reports was available here. If true, it is assumed this might be explained as evidence of Germany's anticipated move to replace the dominant American film with German product in Continental Europe. The move would serve propaganda as well as trade purposes.

Gillmore Stays as Head of Four A

The resignation of Frank Gillmore as president of Associated Actors and Artistes of America was rejected by the international board of the organization at a meeting yesterday and by all talent unions affiliated with the Four A's.

However, acquiescing to Gillmore's wish, the Four A's board agreed to lighten the duties of the veteran actors' union official materially and effected a corresponding change in his compensation. Gillmore's salary as president of the Four A's was $13,000 annually. It is reported that his adjusted compensation will be approximately $10,000.

Gillmore's duties will be split among other officers.

Expect Settlement of Philadelphia Strike

PHILADELPHIA, July 17.—A meeting arranged here for Friday by James C. Petrillo, American Federation of Musicians president, promises to settle the eight months' strike of the Philadelphia musicians' union against Warner theatres.

Frank Phelps, Warner labor contact, will attend the meeting. Although Petrillo will not be present, it is expected that Joseph N. Weber, recently retired president, will attend.

A. Rex Riccardi, secretary of the local here, said all indications point to a final settlement. However, if the meeting ends in a stalemate, he said it will be left to Petrillo to decide whether to drop the matter entirely or adopt a different course of action.

FCC Authorizes Lee Television Station; First Step in New Setup

Washington, July 17.—Construction of a television station in San Francisco by the Don Lee Broadcasting System, with 1,000 watts power for both aural and visual service, was authorized today by the Federal Communications Commission as its first definite step toward the country's new television structure.

The commission announced that the new station, as well as the Don Lee station, W6XAO at Los Angeles, and the NBC station, W2XBS, New York would operate on the new No. 1 channel.

Plans for the experimental work of the stations call for continuance by the NBC transmitter of the Radio Manufacturers' Association standard with an increase in the number of frame lines from 441 to 507, while the two Don Lee stations will experiment with 525 lines, 30 frames interlaced, or 441 lines, 30 frames interlaced, and possibly other combinations, it was said.

Brandt Reelected President of ITOA

Harry Brandt was reelected president of the New York I.T.O.A. at a meeting at the Hotel Astor yesterday for his seventh term as head of the organization.

Other officers reelected on an unopposed slate included: David Weinstock, vice-president, and Leon Rosenblatt, treasurer. Frances Bergman replaced Maurice Brown as secretary.

The board of directors, also reelected, includes: Leon Brecher, Laurence Bolognino, Bernard Brooks, Samuel Bleiweiss, Julius Charnow, Jack Hattem, Otto Lederer, Hyman Rachmil, Ray Rhonheimer, Abraham Shenk, Rudy Sanders, Samuel Strausberg, Frank Moscato, Joshua Goldberg and Irving Renner.

At yesterday's meeting, film buying, double features and the new defense tax on admissions were discussed, but no action was taken on any of the matters under discussion.

Gross to Red Cross

PHILADELPHIA, July 17.—Anthony Wayne Theatre in the suburban Wayne section, commemorating its 12th anniversary today, gave its entire proceeds to the Red Cross.

Now Hours Faster

Stratoliner

to LOS ANGELES

Leave New York at 8:30 p.m. . . . be in Los Angeles at 8:33 the next morning, flying the smooth upper altitudes in TWA 4-Engine Stratoliners . . . largest, fastest, most luxurious transcontinental airplanes! $149.95—10% reduction on round trips.

Reservations: Call Your Travel Agent or MURRAY HILL 6-1640 70 East 42nd Street

Route of the Stratoliners

TWA
The TRANSCONTINENTAL Airline

Personal Mention

GRADWELL L. SEARS, Warners general sales manager, arrived from the Coast yesterday following product conferences at the studio.

●

ROBERT SCHLESS, Warner European manager, originally scheduled to return to the Continent this week, has postponed the trip indefinitely.

●

W. J. CURRY, Paramount's head booker at Des Moines, is vacationing.

●

HAL SEIDENBERG, manager of the Fox, Philadelphia, is vacationing in New Hampshire.

●

BEN FREEDMAN, assistant manager at the Will Rogers Theatre, St. Louis, and CLARICE ROTHCHILD of that city are to be married soon.

●

J. K. ROBERTSON, manager of the Warner Theatre, State College, Pa., and MRS. ROBERTSON will arrive here tomorrow on the *Santa Paula* from a 12-day Southern cruise.

●

S. S. HOREN, managing director for 20th Century-Fox in Argentina, has cancelled his plans for a visit to this country.

●

LESTER KRIEGER, film buyer and chief booker at the Warner exchange in Philadelphia, is the father of a son, born to MRS. KRIEGER early this week.

●

HAROLD MARSHALL, M-G-M exploitation representative out of the Indianapolis exchange, has flown to the Coast for a vacation, visiting his family in Los Angeles.

●

WALTER WANGER and JOAN BENNETT arrived from the Coast by plane late yesterday.

WILLIAM F. RODGERS, M-G-M general sales manager, is expected back from the Coast and visits to Western exchanges early next week.

●

HAROLD SMITH, Continental European representative for the M.P.P.D.A., whose headquarters were in Paris, will arrive from Europe today on the *Manhattan* with his family.

●

JAMES ROOSEVELT, MONROE GREENTHAL, COLVIN BROWN, CHARLES PAINE, PAT SCOLLARD, CHARLES GLETT and MORRIS HELPRIN at the Tavern for lunch yesterday.

●

WILLIAM A. SCULLY, BUDDY MORRIS, JOHN W. HICKS, TOBY GRUEN and TED O'SHEA lunching at Nick's Hunting Room in the Astor yesterday.

●

MORT SPRING, BEN BOYAR, MAURICE EVANS, SIR CEDRIC HARDWICKE, ARTHUR KRIM, CHARLES SONIN and LEE SHUBERT at Sardi's yesterday for lunch.

●

MARVIN SCHENCK, EUGENE PICKER and LOU WEINBERG lunching at Lindy's (next to the Rivoli) yesterday.

●

NATE SPINGOLD, JACK GOETZ and JAMES MULVEY at Lindy's (51st St.) yesterday for lunch.

●

FRED C. THORTSEN, Omaha branch manager for M-G-M, has a birthday today.

●

KENNETH CLARK of the M.P.P.D.A. will return from a motor trip to Mexico on Monday.

Film, Radio Censorship in Past Year Reported Less

Interference by public officials with motion pictures, plays, radio and books has declined sharply during the past year, the American Civil Liberties Union reports in its annual survey of civil liberties in the United States.

"Since most of the censorship is based upon socalled moral grounds, it indicates an increasing tolerance of themes which a few years ago aroused hostility and official interference," the organization declares.

Of the six pictures cited as having had difficulty with the censors, most trouble was encountered by the anti-Nazi film originally titled, "Hitler, Beast of Berlin." It met censor bans in Virginia, New York, Chicago, Providence and Maryland. Other films banned during the year were: "Harvest," French film; M-G-M's "Strange Cargo," "Primrose Path," RKO. In Chicago the police censor banned the U. S. Film Service maternal welfare film, "Fight for Life." In New York a ban on "Birth of a Baby" was upheld and in Denver a theatre owner was convicted for showing "The Birth of a Nation."

"Mulatto," "The Women," "Of Mice and Men" and "Children's Hour" were the plays which encountered censor difficulties in one or more cities during the year.

Relative to radio, the organization reports, "Freedom on the radio has shown marked improvement during the year. The new personnel of the Federal Communications Commission has refrained from pronouncements concerning programs which marked the commission a year ago. Station program managers, under the influence of the new code adopted by the National Association of Broadcasters, have shown a far greater appreciation of radio's function in presenting all sides of controversial issues. Under the code, no time can be sold for a discussion of public issues, and equal facilities must be granted to all sides of a controversy. The public forum type of discussion has become widespread."

Following a study of the workings of the N.A.B. code on all types of stations, the National Council on Freedom from Censorship, affiliate of the Civil Liberties Union, reached the conclusion that the code has promoted "a far larger and fairer degree of discussion of public issues."

Expect Australian Merger Approval

Ratification of the long-pending merger of Hoyts and Greater Union circuits, Australia, was scheduled to occur at a meeting of shareholders of the latter company in Sydney yesterday.

Results of the meeting were not known at the home office of National Theatres, which owns a controlling interest in Hoyts, at a late hour yesterday.

The merger, which has b[illegible] in work for the past two years, would place operating control of the two largest Australian circuits with General Theatres Corp., a new parent company organized for the purpose. M. G. Sloman, a director of Hoyts will head the parent company and Norman B. Rydge, managing director of Greater Union, will direct the combined circuit operations, according to the merger plan.

RKO Completes Five Local Circuit Deals

RKO has closed deals for 1940-'41 product with five circuits in the Metropolitan area, according to Ned E. Depinet, vice-president in charge of distribution. The deals involved 157 theatres.

The circuits and the number of theatres included in each deal are: Skouras Metropolitan Theatres, 46 houses; Randforce Amusement Corp., 42 houses; Interboro Circuit, 39; Island Theatres Circuit, 12; Loew Metropolitan Circuit, 18.

Set Dual Baltimore 'Syracuse' Opening

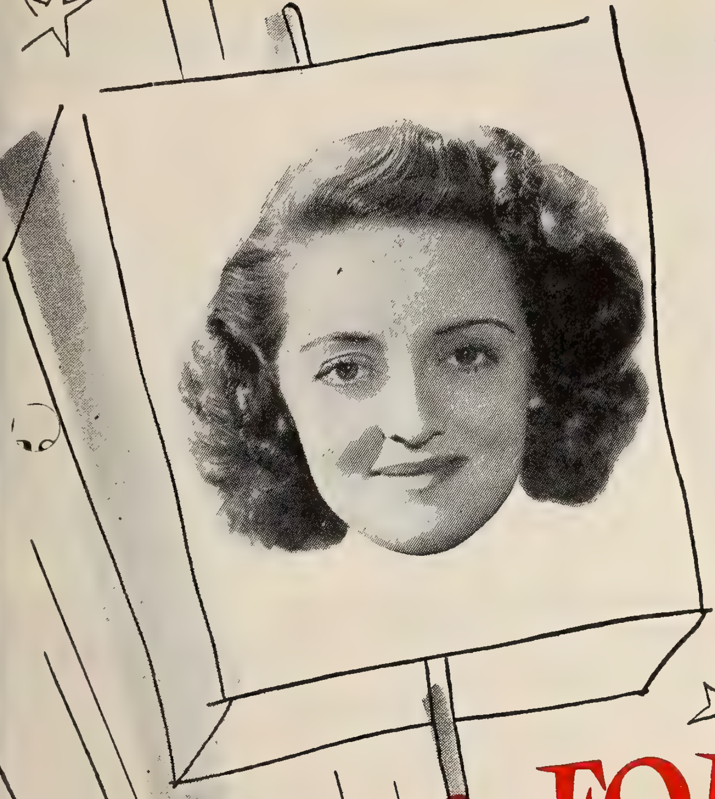
Universal's "The Boys from Syracuse" will have a double opening in Baltimore, at the Hippodrome and Keith, on Aug. 9. The world premiere of the film will be held this evening at Syracuse, N. Y., with the New York opening scheduled for the Paramount, July 31.

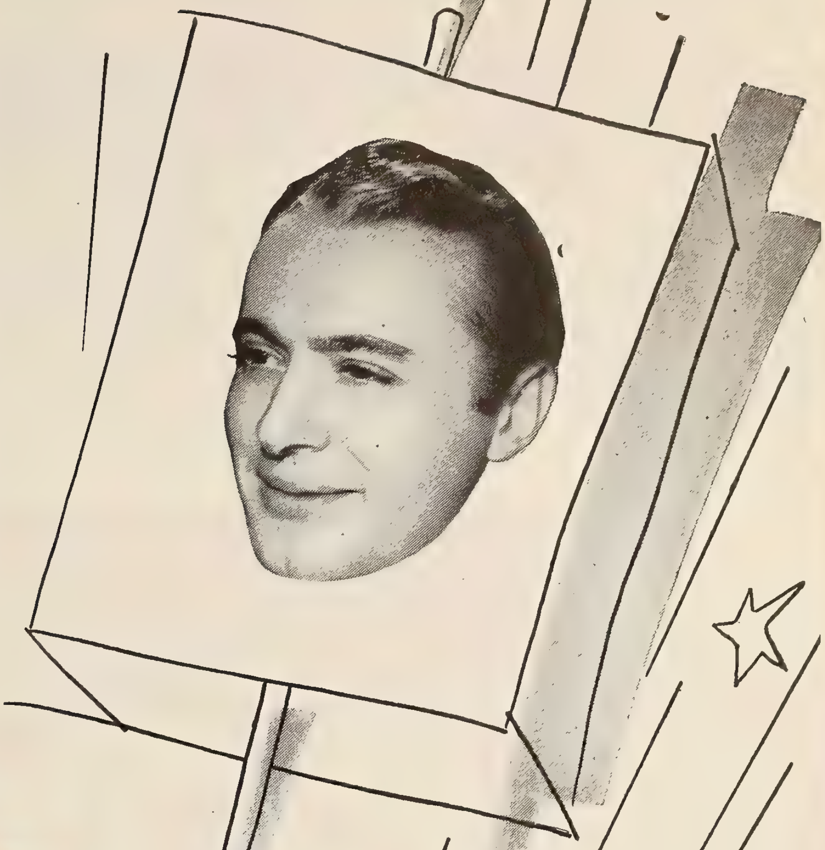
N J. Allied Sets Outing

N. J. Allied will hold an outing at the Hollywood Hotel, West End, N. J., next Wednesday, featured by a golf tournament in the morning, luncheon, a meeting in the afternoon and a dinner in the evening. Plans for the annual convention of the unit in September will be discussed.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.





RUNNING FOR A 3rd TERM!

"ALL THIS, AND HEAVEN TOO"

IS HELD OVER AGAIN AT RADIO CITY MUSIC HALL!

(Week No. 3 for Providence too!)

The only company delivering this kind of business in this kind of weather is

WARNER BROS.

TE
AVIS
ND
CHARLES
BOYER

"ALL THIS AND HEAVEN TOO"

'ALL THIS, AND HEAVEN TOO'

From the story by Rachel Field with
JEFFREY LYNN • BARBARA O'NEIL
Virginia Weidler • Henry Daniell • Walter Hampden
George Coulouris
An ANATOLE LITVAK Production
Screen Play by Casey Robinson • Music by Max Steiner
A Warner Bros.-First National Picture

WHAT REVIEWER, WHAT PAPER DO YOU READ?

THE BOYS from SYRACUSE

ALLAN JONES • MARTHA RAYE
JOE PENNER • ROSEMARY LANE
IRENE HERVEY • Chas. Butterworth
Alan Mowbray • Eric Blore • Samuel S. Hinds

Screenplay by LEONARD SPIGELGASS, CHARLES GRAYSON & PAUL GERARD SMITH
Directed by A. EDWARD SUTHERLAND • A MAYFAIR PRODUCTION

SIX HIT SONGS
"This Can't Be Love" • "Falling In Love" • "Sing For Your Supper" • "He And She" • "Who Are You?" • "The Greeks Have No Word For It"

A UNIVERSAL PICTURE

THEY'RE ALL WILD ABOUT "SYRACUSE"!

The *HIT* that *WOWED BROADWAY* for a year at $5.50 a ticket!

"A double feature in itself! . . . One of the surprise pictures of the year!"
—*Showmen's Trade Review*

"PREVIEWED IN NEW ROCHELLE ...WHERE THEY HOWLED!"
—*WALTER WINCHELL*

"Serves function of entertainment to perfection . . . Will tickle the funny bones of any audience . . . clever, tuneful, played to the hilt!"
—*Motion Picture Daily*

"The picture is exactly what the doctor ordered for a public fed up with war, taxes and other things!"
—*Film Daily*

COMEDY? *"There are screams to satisfy the patron and send him home happy!"* —*HOLLYWOOD REPORTER*

HIT SONGS? *"Rodgers and Hart music . . . 'This Can't Be Love!', 'Falling In Love', 'Sing For Your Supper' and 'Who Are You?'...brilliantly sung!"* —*LOS ANGELES NEWS*

BOX OFFICE? "LEVEY'S FIRST . . . A SOLID HIT!" —*BOXOFFICE*

"IT'S HEADED FOR SMASH BUSINESS!" —*VARIETY*

"B. O. NATURAL FOR EXHIBS!" —*FILM DAILY*

"SHOULD DO TREMENDOUS BUSINESS!" —*SHOWMEN'S TRADE REVIEW*

PRODUCTION? *"Movie version far more elaborate than stage play!"* —*LOS ANGELES EXAMINER*

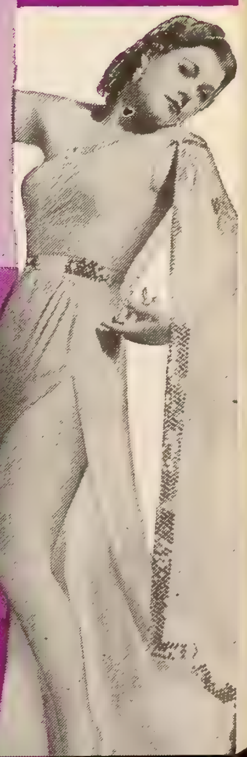
ROMANCE? *"Something bright and new!"* —*LOS ANGELES TIMES*

WORLD PREMIERE

Keith, Paramount and Eckel Theatres, Syracuse, N. Y., Thursday, July 18th.

Opens PARAMOUNT Theatre

N. Y., July 31st—FOR AN INDEFINITE RUN! (First outside picture in three years to play the Paramount Theatre!)



NATIONAL RELEASE Aug. 9

MOTION PICTURE DAILY'S BOOKING CHART

[*Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action*]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
June 21	Girls of the Road (D) *Lola Lane* *Helen Mack*	The Captain Is A Lady (G-D) *Virginia Grey* *Billie Burke*	Wild Horse Range (O)	The Ghost Breakers (G-C) *Bob Hope* *P. Goddard*	Wagons Westward (O) *Chester Morris* *Anita Louise*	Pop Always Pays (G-C) *Leon Errol*	Charlie Chan's Murder Cruise (D) *Sidney Toler*		I Can't Give You Anything But Love, Baby (M) *B. Crawford*	Gambling on the High Sea (D) *Wayne Morris*
June 28	Return of Wild Bill (O) *Bill Elliott* *Iris Meredith*	New Moon (G-M) *Nelson Eddy* *J. MacDonald*	Last Alarm (G-D) *Warren Hull* *Polly Ann Young*	Queen of the Mob (A-D) *Ralph Bellamy* *Blanche Yurka*	Carson City Kid (O) *Roy Rodgers* One Man's Law	Anne of Windy Poplars (G-D) *Anne Shirley* *James Ellison*	Lucky Cisco Kid (G-O) *Cesar Romero* *Evelyn Venable*			
July 5	Out West With the Peppers *Edith Fellows*	Andy Hardy Meets a Debutante (C) *Mickey Rooney* *Lewis Stone*	Golden Trail (O) *Tex Ritter*	Way of All Flesh (G-D) *Tamiroff* *Gladys George*		Dr. Christian Meets the Women (G-D) *Jean Hersholt*	Sailor's Lady (G-D) *Nancy Kelly* *Jon Hall*		Private Affairs (G-C) *Nancy Kelly* *Roland Young*	Man Who Talked Too Much (D) *George Brent* *V. Bruce*
July 12		Sporting Blood (G-D) *Bob Young* *M. O'Sullivan*		Stagecoach War (G-O) *Bill Boyd* *Russell Hayden*	Three Faces West (D) Carolina Moon (O)	Millionaires in Prison (G-D) *Lee Tracy* *Linda Hayes*	Manhattan Heartbeat(G-D) *Robert Sterling* *Virginia Gilmore*			All This and Heaven Too (D) *Bette Davis* *Charles Boyer*
July 19	Military Academy (D) *Tommy Kelly* *Bobby Jordan*	We Who Are Young (A-D) *Lana Turner* *John Shelton*	Haunted House (D) *Marcia Mae Jones* *Jackie Moran*		Scatterbrain (G-C) *Judy Canova* *Alan Mowbray*	Cross Country Romance (G-C) *Gene Raymond* *Wendy Barrie*	Maryland (G-D) *Walter Brennan* *Fay Bainter*	South of Pago Pago (D) *V. McLaglen* *Jon Hall*	Black Diamonds (D) *Richard Arlen* *Andy Devine*	My Love Came Back (G-C) *O. DeHavilland* *J. Lynn*
July 26	Blondie Has Servant Trouble (C) *Singleton-Lake*	Pride and Prejudice (G-C) *Greer Garson* *L. Olivier*	Boys of the City (D) *East Side Kids*	Untamed (G-D) *Ray Milland* *P. Morison* *A. Tamiroff*	Girl From God's Country (O) *Morris-Wyatt*	Stage to Chino (O) *George O'Brien* *Virginia Vale*			You're Not So Tough (G-D) When the Daltons Rode (O)	Ladies Must Live (D) *R. Lane* *Jeffrey Lynn*
Aug. 2	The Lady in Question (D) *Brian Aherne*	Gold Rush Maisie (C) *Ann Sothern* *Lee Bowman*	Orphans of the North (D) Rainbow Over the Range (O)	Golden Gloves (D) *Richard Denning* *Robert Paige*	Ranger and the Lady (O) *Roy Rogers*	Stranger On the Third Floor(D) *Peter Lorre* *John McGuire*	The Man I Marreid (D) *Joan Bennett* *F. Lederer*		South to Karanga (O) *Chas. Bickford* *James Craig*	They Drive By Night (A-D) *Ann Sheridan* *H. Bogart*
Aug. 9	The Secret Seven (D) *Bruce Bennett* *Florence Rice*	Boom Town (D) *Clark Gable* *Spencer Tracy*	Doomed to Die (D) Chamber of Horrors (D)	Mystery Sea Raider (D) *H. Wilcoxon* *Carole Landis*	Sing, Dance Plenty Hot (M) *Johnny Downs* *Ruth Terry*	Queen of Destiny (D) *Anna Neagle* *Anton Walbrook*	Street of Memories (G-D) *Lynn Roberts* *Guy Kibbee*	Captain Caution (D) *Victor Mature* *Louise Platt*	Boys from Syracuse (G-M) *Allan Jones* *Martha Raye*	River's End (D) *Dennis Morgan* *Victor Jory*
Aug. 16	The Durango Kid (O) *Chas. Starrett* *Luana Walter*	Golden Fleecing (D) *Lew Ayres* *Rita Johnson*	All Around the Town (D) Range Busters (O)	Comin' Round the Mountain (C) *Burns-Merkel*		One Crowded Night (D) *William Haade* *Billy Seward*	Return of Frank James (O) *Henry Fonda* *Jackie Cooper*			Money and the Woman (D) *Jeffrey Lynn* *Brenda Marshall*
Aug. 23	He Stayed for Breakfast (C) *Loretta Young* *Melvyn Douglas*	I Love You Again (D) *William Powell* *Myrna Loy*	Missing People (D) Arizona Frontier (O)	The Great McGinty (D) *Brian Donlevy* *Muriel Angelus*		Lucky Partners (D) Wildcat Bus D)	Girl From Ave. A (D) *Jane Withers* *C. Aldrich*			Sea Hawk (D) *Errol Flynn* *Brenda Marshall*
Aug. 30		Busman's Honeymoon (D) *R. Montgomery* *C. Cummings*	Queen of the Yukon (D) *Chas. Bickford* *Irene Rich*			Dance, Girl, Dance (D) *Maureen O'Hara* *Louis Haywood*	The Great Profile (C) *John Barrymore* *Mary B. Hughes*			Flowing Gold (D) *Pat O'Brien* *John Garfield*
Sept. 6				Rhythm on the River (M) *Bing Crosby* *Mary Martin*			Pier 13 *Lynn Barie* *Lloyd Nolan*		Swing W[illegible] Bing (M) *Bing Crosby*	

PARAMOUNT SHORTS ...tailored to fit the showman's needs

July 5 Stone Age Cartoon "WEDDING BELTS"

July 12 Grantland Rice Sportlight "SINK OR SWIM"

July 12 Popeye Cartoon "FIGHTIN' PALS"

July 19 Headliner PINKY TOMLIN and his Orchestra

100% BOX OFFICE TESTED

Paramount Pictures

Short Subject Reviews

"Hawaiian Rhythm"

(Universal)

The pleasant rhythmic style of the native Hawaiian vocal and dance specialist is evidenced here as an extensive array of talent, both American and Hawaiian, performs in a South Sea setting. A highlight of this short is the rendition of a typical tropical song by Rita Rio. Among the performers are Don and Sally Jennings, Stearns and Dean, the Royal Samoans, Harry Owens, Kenny Allen and "The Royal Hawaiian Sweethearts." This is an entertaining departure from the numerous swing musicals. Running time, 17 mins.

"Screen Snapshots, No. 9"

(Columbia)

Ken Murray, from his Hollywood sporting goods shop, acts as master of ceremonies in this tour of Hollywood sports as indulged in by some of the notables of the screen. Seen as spectators and in action are numerous players, engaged in golf, tennis, polo, pigeon racing, ping pong and swimming. Entertaining, for film fans. Running time, 10 mins.

"Going Places, No. 79"

(Universal)

Four items of a curious nature are filmed in the Pacific Northwest for this average addition to the series. Shown are a cavern in which hundreds of sea lions take shelter from the ocean; clam digging as an occupation; spherical stones formed by the sea, and colorful agates found on the shore, which are cut and polished in a nearby shop. Running time, 9 mins.

"Going Places, No. 80"

(Universal)

This concentrates on El Paso, Texas, outlining the scenic beauty, colorful re-living of the ranchero days and the fascinating occupations of the picturesque city. Visitors greeted in Wild West style, cavalry maneuvers, goat herding, making cactus candy and manufacturing boots and saddles, all are shown, making for an enjoyable short. Running time, 9 mins.

'Breakers' $4,500 In Cleveland Slump

CLEVELAND, July 17. — Fourth of July left Cleveland with its worst week in many months. "The Ghost Breakers" in its third week at the Stillman took $4,500, the only bill to reach average.

Estimated takings for the week ending July 11:

"Flight Angels" (W. B.)
ALLEN—(3,000) (33c-39c-47c) 7 days. Gross: $3,500. (Average, $4,000)

"Tom Brown's School Days" (RKO)
WARNERS' HIPPODROME — (3,800) (33c-39c-47c) 7 days. Gross: $5,500. (Average, $11,000)

"Private Affairs" (Univ.)
RKO PALACE — (3,100) (33c-47c-55c) Hattie McDaniel and "Red" Skelton on stage. 7 days. Gross: $11,000. (Average, $13,500)

"New Moon" (M-G-M)
LOEW'S STATE—(3,500) (33c-39c-47c) 7 days, 2nd week. Gross: $8,000. (Average, $11,000)

"The Ghost Breakers" (Para.)
LOEW'S STILLMAN—(1,900) (33c-39c-47c) 7 days, 3rd week. Gross: $4,500. (Average, $4,000)

Feature Review

"Boys of the City"

(Monogram)

Bobby Jordan and Leo Gorcey of "Dead End" fame, along with other members of the screen's mischievous juvenile set, provide ample cause for laughs in their attempt herein to track down a killer. Basically the film is a tense melodrama but the antics of the boys offset the seriousness of the story to a marked extent.

En route to a Summer camp, the boys meet a judge, his niece and a bodyguard stranded on a lonely road and agree to give them a lift. In due course the entire party spends the night in the judge's chateau, a spooky place with a glaring housekeeper, secret panels and underground passages. The judge is murdered and the boys, with the aid of a detective, capture the killer.

The supporting cast includes Dave O'Brien, George Humbert, Hally Chester and Frankie Burke. The screenplay by William Lively was directed by Joe Lewis. Sam Katzman produced.

Running time, 63 minutes. "G."*

**"G" denotes general classification.*

Ellis Foresees Australian Theatre Gains After War

Greatly improved business conditions in Australia after the war are anticipated by business leaders in the Commonwealth and are certain to be reflected in increased theatre attendance, Gordon Ellis, managing director of Associated Distributors, Sydney, said yesterday before leaving for the Coast en route back to Australia at the end of a six months' visit here.

Ellis said that general conditions in Australia are exceptionally good at present. However, there is little indication at this time that monetary regulations will be liberalized so as to permit increased withdrawals of blocked currency, he believes.

Ellis pointed out that since the war new industries have been established in Australia which business leaders believe will provide a post-war foundation for industrial expansion and development of natural resources which long have been lacking in the Commonwealth.

Ellis, whose organization is affiliated with Greater Union Theatres in Australia, was given a farewell luncheon by Capt. Harold Auten, American representative for Greater Union, at the Hotel Astor yesterday. During his stay in New York, Ellis transacted business for Norman B. Rydge, head of Greater Union and affiliated distributing-producing companies, and lined up product for the circuit. He will sail for Australia from San Pedro next Wednesday.

'Wife,' Stage Show Get $12,000, Buffalo

BUFFALO, July 17.—"You Can't Fool Your Wife," aided by Little Jack Little and his orchestra and Fifi D'Orsay and her revue on the stage, recorded $12,000 at the Twentieth Century. "Andy Hardy Meets Debutante" brought $14,000 to the Buffalo.

Estimated takings for the week ending July 13:

"Andy Hardy Meets Debutante" (M-G-M)
BUFFALO—(3,489) (35c-40c-60c) 7 days. D'Artega & orchestral ensemble in "A Trip to the Tropics," with Bob Hannon, Nina Allen and The Hansonettes. Gross: $14,000. (Average, $12,000)

"My Love Came Back" (W.B.)
"The Man Who Talked Too Much" (W.B.)
GREAT LAKES—(3,000) (35c-55c) 7 days. Gross: $6,000. (Average, $7,500)

"Our Town" (U.A.)
"Turnabout" (U.A.)
HIPPODROME—(2,100) (30c-40c) 7 days, 2nd run. Gross: $5,000. (Average, $6,800)

"You Can't Fool Your Wife" (RKO)
TWENTIETH CENTURY—(3,000) (35c-45c) 7 days. Little Jack Little & orchestra on stage and variety revue featuring Fifi D'Orsay, Lee Dixon, Wally Brown, Annette Ames, the Nathane Bros. & Kathleen Quinn. Gross: $12,000. (Average, $7,500)

"Petticoat Fever" (M-G-M)
"Stand Up and Fight" (M-G-M)
LAFAYETTE—(3,000) (30c-40c) 7 days, revivals. Gross: $4,000. (Average, $6,300)

Cole Cautions On Blaming New Tax

DALLAS, July 17.—Theatres which have raiesd prices far in excess of the Federal defense tax and blame the increased admissions on the tax are not only slackers during time of national peril but they are subject to prosecution which carries a maximum fine of $1,000 and imprisonment not exceeding a year, according to Col. H. A. Cole, president of Allied States.

Quoting from a warning issued by Internal Revenue Collector W. A. Thomas of Dallas in which prosecution was threatened, Col. Cole pointed out it was a violation of the internal revenue laws to raise prices in excess of taxes and then blame the tax for the increase.

"I do not believe that this practice is prevalent," Col. Cole said. "But I have found some instances of it. I have, for example, received a handbill put out by a south Texas theatre belonging to a fairly large chain, in which admission prices were raised from 15 cents to 20 cents. The circular puts the blame on the new defense tax when, as a matter of fact, admissions of 20 cents carry no tax increase."

'Boom Town' To Get Higher Admissions

(Continued from page 1)

eign trade. According to these sources, it would require not more than six or eight films yearly to accomplish this gain in income.

Since experience has shown that exhibitors stand to retain fully 60 per cent of this increase themselves, the Metro plan is looked upon by its sponsors as most practical.

Exhibitors Assure Support

Although the suggestion only went forward to exhibitors following Schenck's return from the Coast with Howard Dietz, advertising and publicity director, on Monday, company officials are understood to have been assured of country-wide exhibitor support. Metro in the past two or three days has made a person-to-person survey and company officials report that the exhibitor response has been above expectations. Dietz, it is asserted, is planning a large and comprehensive advertising campaign on the picture to the trade and elsewhere.

Unlike any previous effort which may have been tried in the industry, Metro is letting exhibitors decide what to do, and additionally is cooperating in helping exhibitors make up their minds.

Thus, a series of special roadshow test engagements are contemplated in perhaps a dozen selected spots, which will prove the advisability of higher box-office prices.

Not to rush the exhibitors into deciding, although the response from Coast to Coast has already been beyond expectations, according to inquiry, Metro may put off the release date of "Boom Town" by a couple of weeks, and in its place permit exhibitors to play the new William Powell-Myrna Loy film, "I Love You Again," earlier than had been first planned.

Release Early in August

According to advices from the Coast, the studio heads are willing to have the release dates shifted so that exhibitors who will play "Boom Town" at higher scales can get the Powell-Loy picture early in August.

Raising scales by one-third, it has been estimated, should make it possible for as much as a gain of $2,500,000 to $3,000,000 in the national rentals.

All day Tuesday and yesterday, branch managers, district managers, salesmen and even home officials of Metro have been busy contacting exhibitor sentiment, to sound out the possibility of the plan, and because of that response, it looks as if the plan may be announced shortly.

Cameo Taken Over

Consolidated Film Enterprises has acquired the Cameo on 42nd St., formerly the showcase for Soviet films here, which was closed about three months ago. Following renovation, including additional lobby space, the circuit will reopen the house about the middle of next month as the Bryant. No definite policy has yet been set.

Food Leading Industry on CBS, Mutual

Foods and food beverages led among industry classifications in the breakdown of billings for the first six months of 1940 for both the CBS and Mutual. On CBS the industry accounted for $6,698,834 of the half-year total of $20,457,372. On Mutual foods accounted for $739,591 of the $2,031,323 total.

In both cases there were large increases over the same period in 1939. The 1939 half-year full billing total on CBS was $16,952,973 and on Mutual, $1,624,240.

Following is the CBS breakdown by industries for the first six months of 1940, as compared with the corresponding 1939 period:

Industry	1940	1939
Foods, Food Beverages	$6,698,834	$4,435,224
Drugs, Toilet Goods	4,395,451	3,945,998
Cigars, Tobacco, Cigarettes	3,176,051	2,717,715
Soaps, Household Supplies	2,004,958	1,921,837
Automotive	964,742	1,155,677
Building Materials	6,026	5,654
Confections, Soft Drinks	964,301	784,877
Finance, Insurance	438,007	393,968
Jewelry, Silverware	152,368	145,164
Lubricants	1,515,632	1,166,241
Radio, Phonographs	32,995	......
Paints	23,178	......
Shoes	......	67,750
Stationery	67,603	......
Travel, Hotels	9,399	6,280
Miscellaneous	7,827*	206,497*

---

*Wide difference indicates some groups placed in miscellaneous grouping last year, given separate classifications in 1940.

Following is the Mutual breakdown by industries for the first six months of 1940, as compared with the same 1939 period:

Industry	1940	1939
Automotive Industry	$ 8,728	$11,444
Building Materials	80,911	60,154
Cigars, Cigarettes, Tobacco	440,578	419,790
Clothing & Dry Goods	35,216	80,735
Confectionery, Gum, Ice Cream	8,240	36,156
Drugs & Toilet Goods	172,650	427,753
Financial & Insurance	8,450	19,811
Foods & Food Beverages	739,591	284,602
House Furniture & Furnishings	105	950
Lubricants, Petr. Prod. & Fuel	147,427	28,603
Mach., Farm Equip., Mech. Supplies	....	327
Radios, Phonographs, Mus. Instr.	28,472	16.125
Shoes & Leather Goods	14,992	1,221
Laundry Soaps, Household Supplies	32,050	....
Stationery & Publishers	15,385	....
Travel & Hotels	1,086	4,724
Wines, Beer & Liquors	9,274	5,028
Miscellaneous	288,168	226,817

Mrs. Roosevelt in 'Pastor' Prologue

Mrs. F. D. Roosevelt turned thespian yesterday long enough to do the prologue for "Pastor Hall" before the cameras at Movietone Studio, Manhattan. American rights to the British-made picture, based on the experiences of the German pastor, Niemoeller, was acquired by James Roosevelt and will be distributed by United Artists.

Kennebeck to India

OMAHA, July 17.—Frank V. Kennebeck, Paramount general manager for India, Burma and Ceylon, left here today for San Francisco after visiting with relatives. He will sail for the Far East Saturday to resume his post after an extended visit at both the Paramount studio and home office.

Off the Antenna

A REPORT on decibels at the Democratic convention in Chicago is given by Karl Myers, Mutual's director of technical arrangements. Despite advice to the contrary, Myers reports, the speakers continue to utilize full lung power, thus sending the volume indicators to new heights. James A. Farley maintains a level tone of voice, however. . . . Also on the convention: About 2,000 delegates and officials were each presented with a gold carnation Tuesday night "With love from Mutual."

• • •

Purely Personal: *Arturo Toscanini returns from his two-month tour of South America next Tuesday accompanied by the NBC Symphony Orchestra. . . . Al Harding, WCCO announcer, presided at the annual picnic of the Twin City Retail Druggists' Association in Minneapolis yesterday. . . . George R. Nelson of Leighton & Nelson, radio advertising firm in Schenectady, has returned from a Cape Cod vacation.*

• • •

Program News: A new series of musical programs will be presented daily next week over CBS, 10:45 to 11 P. M. The shows start Monday with Bernard Herrmann conducting a concert orchestra. . . . "In Chicago Tonight," a variety show featuring Harold Stoke's orchestra and guest stars, replaces the "Romance and Rhythm" programs on Mutual Thursday nights, 10:30 to 11, starting tonight. Ken Murray and Corinna Mura will appear on the initial network show. . . . Every country in the Western Hemisphere is slated to participate in the CBS "School of the Air" series which returns Oct. 7. . . "Second Husband," dramatic serial sponsored by the Bayer Co. has been renewed for another year. Starring Helen Menken, the show is presented by the Famous Actors' Guild over CBS, 7:30 to 8 P. M. Tuesdays.

BMI Adopts New License Fee Plan

The board of directors of Broadcast Music, Inc., has adopted a new formula for license fees to go into effect at the end of the initial license period. The new fees are based on a sliding scale and will reduce payments by stations in the lower income categories.

Networks will pay regular rates on their own stations, to be computed on the amount that would be paid by the networks to these stations if they were independently owned and operated. The networks in addition will make other payments on network revenue from sale of time, deducting station payments.

Transcriptions of 50 compositions will be distributed to all B.M.I. licensees free of charge within the next week. Plans have been set for making 450 additional selections available to B.M.I. subscribers without charge before the end of the year.

The progress report showed the total number of subscribers as 311, and that the first call on subscribers for an amount in excess of $150,000 had met with virtually 100 per cent response.

'U' After Fairbanks For 'Street' Remake

HOLLYWOOD, July 17.—Universal is reported seeking Douglas Fairbanks, Jr., or Cary Grant to play opposite Joan Fontaine, borrowed from Selznick International, for a remake of "Back Street."

Robert Stevenson, borrowed from Selznick and RKO, who hold his contract jointly, will direct. Irene Dunne and John Boles starred in the original screen version of the Fannie Hurst novel.

Minneapolis Aquatennial

MINNEAPOLIS, July 17.—Exhibitors in the Twin Cities expect increased patronage during the nine-day Minneapolis Aquatennial which starts Friday. Minneapolis and St. Paul theatre and film men are active on the committees of the non-profit civic event.

British to Be Lenient On Exhibitors' Quota

LONDON, July 17.—In the event British exhibitors are unable to fulfill their quota obligations, in view of the possibility of a shortage of product, the Board of Trade is expected to take a lenient attitude, it is understood.

Sir Andrew Duncan, president of the British Board of Trade, at a meeting of the Films Council today, is understood to have heard criticism of the claimed inadequacy of the alternative monetary quota. Exhibitors have expressed concern over the danger of a product shortage.

Monogram Unit Asks Prints Foreclosure

Monogram Pictures Corp. of Illinois made application yesterday to Federal Judge John W. Clancy for an order authorizing it to foreclose on a lien which it has against 107 prints belonging to Grand National Pictures, Inc., now in bankruptcy. The application was referred to Referee Peter B. Olney, Jr., for hearing.

Monogram alleged that in November, 1936, it agreed to store the prints for Grand National at $50 monthly and that $2,263 is now due for storage charges.

Hardy, Pioneer, Dies

CAMDEN, N. J., July 17.—Joseph A. Hardy, 66, pioneer motion picture theatre operator of South Jersey, died here following a heart attack. At the turn of the century, Hardy retired from the sea and started his first establishment as "Ye Pyne Poynt Parlor," later remodeling the "parlor" as the "Pyne Poynt Theatre." Later he took over the operation of the nearby Elm Theatre. He leaves his wife, a son and two sisters.

McCarroll Rites Held

CAMDEN, N. J., July 17.—Funeral services were held today for John A. McCaroll, 47, who was stage manager for the Warner theatres here. He died Saturday after an illness of eight weeks. His wife, two sisters and three brothers survive.

FCC and RMA Studying Plans On Television

WASHINGTON, July 17.—The Federal Communications Commission today disclosed that it is cooperating with the Radio Manufacturers Association in the organization of a National Television Systems Cor[illegible]tee to work out television proble[illegible]on uniform standards and commercial operation.

Commission officials said the committee will operate independently and represent the majority opinion of the industry. Its members will be appointed by James S. Knowlson, president of the R.M.A. It will not be limited to the association but will include representatives of companies "broadly interested and experienced in the television field" and representatives of national technical organizations, as well as individual experts.

Urges Radio Sets For Latin America

American manufacturers should make radio sets especially designed for tropical climates to offset the decline in exports to South America, according to W. A. Coogan, foreign sales manager of the Hygrade Sylvania Radio Tube Corp., just returned from a Latin American trip.

He said that although South American countries were finding themselves forced to make their own sets, the parts and accessories business was favorable.

Radio Exports Increase

WASHINGTON, July 17.—Exports of radio receiving sets from this country increased from $655,679 in April to $779,732 in May, the Bureau of Foreign and Domestic Commerce reports. The chief market for the increase was the United Kingdom.

Orders Union Vote At St. Louis Station

WASHINGTON, July 17.—The National Labor Relations Board today ordered an election among all microphone-using employes of Station KXOB, St. Louis, except "Hillbillies," to determine whether they desire to be represented by the American Federation of Radio Artists as collective bargaining agency.

The union claims to hold applications for membership signed by a substantial number of station employes, but the company refused to recognize it without certification by the Labor Board.

Film Editors Guild Will Meet July 26

The Film Editors Guild, recently organized here, will hold its first regular membership meeting July 26 at the Capitol Hotel, with John Michon, president, presiding. The meeting was decided upon at a directors' meeting Tuesday night.

Officers of the guild will be installed at the July 26 meeting, and details attendant upon the organization of the unit will be discussed and voted upon by the membership.

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 14 NEW YORK, U. S. A., FRIDAY, JULY 19, 1940 TEN CENTS

Eastern Group Takes Over IA on Coast

Committee Appointed by Browne Shuts Office

Hollywood, July 18.—The Hollywood office of the I.A.T.S.E. was ordered closed today by the committee appointed by George E. Browne, president, to iron out jurisdictional disputes here.

Tom Murtha, chairman of the committee, said the action was taken because "it was advisable at this time." The committee consists of Eastern officials. Murtha is business agent of Theatrical Stage Employes, Local 4, Brooklyn, N. Y., and president of the New York Central Trades and Labor Council. Other members are Sal Scoppa, business agent of Studio Mechanics Local 52, New York, and Bobby Burns.

Murtha refused comment on the future status of Lew C. G. Blix and Steve Newman, International officers in Hollywood, declaring that disposition of their positions is up to the International executive board.

Talent Percentage Urged by Wanger

Walter Wanger, long a champion of percentage remuneration for talent, said yesterday that he believes it offers a solution for high production costs which Hollywood may have to adopt to offset foreign revenue losses.

Production costs, said the producer, who is here for United Artists conferences, derive from elements and values which exhibitors have come to demand and without which they will not buy a picture in advance. Those costly elements cannot be dispensed with, Wanger asserted, but they could be controlled if actors, writers, directors and others could be paid on the basis of a percentage of a picture's earnings. He said John Ford, Fredric March and others have and are working for him on such a basis.

The producer expressed the belief that about 25 per cent of the industry's annual production should be made in the East. Wanger plans to leave for the Coast today or tomorrow to complete work on his two new pictures, "Foreign Correspondent" and "Long Way Home." Thereafter, he plans to go into the field to meet exhibitors, discuss product requirements with them and merchandising plans for his new pictures

Enabling Law Considered In Peace Pact With 'Big 5'

Government Intends to Prevent Minority Group From Obtaining Prejudicial Advantage in Consent Decree

By SAM SHAIN

Headquarters reports are that the Department of Justice in the present negotiations for an out-of-court settlement of the New York anti-trust case has informed representatives of the Big 5 not to fear the consequences of a separate peace with them, as it is the intention of the Department of Justice to sponsor enabling legislation protecting the signatories to a consent degree from any supposed prejudicial advantage Universal, Columbia and United Artists might obtain by staying out of the decree.

In informing the negotiators of the Big 5, according to these reports, the Department of Justice representatives also stated that such legislation which it would sponsor would be conceived and prepared in a manner specifically to except from the provisions of such legislation the signatories to the consent decree.

This would be accomplished, it is asserted, by suspending the consent decree until such legislation as may be deemed desirable and practical is to be enacted.

Thus, according to spokesmen, peace with the Big 5 has been clinched by the Government. And negotiations are proceeding harmoniously towards that end. Dis-

(*Continued on page* 8)

Frank Walker May Get Farley's Post

Chicago, July 18.—Frank C. Walker, president of Comerford Theatres, is the choice of President Roosevelt to succeed James A. Farley as chairman of the Democratic National Committee, it was revealed by close friends of the President at the Democratic convention here today. The same sources said that Walker may become Postmaster General when Farley retires from that post. Walker who is attending the convention, has long been an adviser to the President.

Syracuse Acclaims 'Boys from Syracuse'

Syracuse, July 18.—Capacity audiences at three theatres tonight saw Universal's musical burlesque of Syracuse in ancient Greece. The world premiere of "The Boys from Syracuse" at the Paramount, Keith and Eckel theatres was attended by Holly-

(*Continued on page* 8)

C.E.A. Says British Tax Plan Is Unjust

London, July 18.—The Cinematograph Exhibitors Association general council, following a discussion today, declared that the British Government's proposed plan of admission taxes, with no exemptions, is unjustified.

In view of the recent abandonment of the general purchase tax, the exhibitor unit in effect asks why this burden should be imposed on the film industry. At a meeting today of of-

(*Continued on page* 8)

KALTENBORN AND QUIGLEY ON RADIO RESPONSIBILITY

"Radio Responsibility," an editorial by Martin Quigley in MOTION PICTURE DAILY and MOTION PICTURE HERALD, criticising treatment of news on the air by "commentators," has resulted in written debate between him and H. V. Kaltenborn, dean of the air columns.

Mr. Quigley contends for publication responsibility and as sharp a demarcation between news facts and editorial opinion as is had in competent, responsible American journalism of the daily press of the printed page.

The editorial set forth: "Freedom of speech in a medium so universal as radio does not entail a license for glib and gabby commentators to indulge in dramatic recitations in the guise of new reports. . . . Yet, the ether waves are crowded with wise guys, pretending an insight into important affairs about which they actually know nothing. With an absurd posturing they tell all—'confidentially.' Developments which gravely affect the welfare of humanity the world over are played with, obviously for emotional effect, as preface to a ringing pronouncement for some commercial product. . . . "

Mr. Kaltenborn has written in defense of the technique and practise of which he has been the founder—taking the subject the while, more personally than Mr. Quigley indicates as the intent.

Mr. Kaltenborn's letter and the reply of Mr. Quigley will be found on Page 6.

'Heaven' in 2nd Hall Week Does $96,000

"All This, and Heaven Too" continued its strong pace, leading the Broadway parade with $96,000 in its second week at the Music Hall, ending Wednesday night. It is now in its third week.

"Maryland" drew $36,000 in its initial week at the Roxy with a stage show. The second and final week starts today, with "Turnabout" to follow next week. At the Capitol, "Susan and God" accounted for $30,000 on the week. "New Moon" started there yesterday. "My Love Came Back" with Rudy Vallee on the stage of the Strand was good for a $30,000 first week, the second week beginning today. "Gone With the Wind" grosses $7,200 in its 30th week at the Astor.

The Walt Disney Festival bill of "Snow White" and four Disney cartoons will open at Loew's Criterion on July 27.

Coast Flashes

HOLLYWOOD, July 18. — Warners today abandoned plans for a two-a-day roadshow of "The Sea Hawk" at the Carthay Circle in Los Angeles and will open the film first run continuous at Warners' Hollywood and Downtown Aug. 8.

•

Universal's "When the Daltons Rode" will have its world premiere July 25 at Coffeyville, Kan., where most of the Dalton gang was wiped out. The film will be shown at the city's two theatres, and the next evening will be given an opening at Fox Midwest's Esquire and Uptown in Kansas City. George Marshall, director of the film, and members of the cast will make personal appearances.

•

Picketing of the NBC studios here, which started last night, continued today as three A.F.L. unions sought to force unionization of the network's stagehands, janitors and electricians. NBC says the unions seek recognition and have been advised to petition the N.L.R.B. The stagehands have been attempting to obtain recognition since NBC's Radio City opened.

•

Gordon Mills of Mills Novelty Co., Chicago, arrives tomorrow to line up California distribution of the coin-operated projection machines for which James Roosevelt's Globe Productions is making shorts. The Chicago factory is now geared to turn out 400 slot machines weekly.

Australian Newsreel Order Brings Crisis

SYDNEY, July 18.—Nation-wide protests and the prospect of a political crisis have been brought about by a Government regulation requiring theatres to play any film and radio stations to broadcast any announcement or news which the Director of Information deems "necessary or expedient" during the war. The newspapers would be compelled to publish any matter under the order.

Personal Mention

A. H. BLANK will arrive from Des Moines today and proceed to Atlantic City for the weekend conference of Paramount theatre associates and home office officials.

•

CRESSON E. SMITH, RKO Western sales manager, is scheduled to arrive from the Coast Sunday.

•

SAM E. MORRIS has returned from the Coast.

•

HAROLD SMITH, M.P.P.D.A. European manager, arrived yesterday on the *Manhattan*.

•

ARTHUR SILVERSTONE, MAX WEISFELDT and **LOU WEINBERG** lunching at Lindy's (next to the Rivoli) yesterday.

•

RUDOLF ALLEN, attorney, has returned from a four-week trip to the Coast.

•

C. F. DAVIDSON of Balaban & Katz, Chicago, is in town visiting the Fair.

•

JESS HOLLOWAY and **J. M. MILLER** of the Dixie, Cardova, Ala., are in town.

•

C. WALLACE MARTIN, operator of the Five Points, Columbia, S. C., is visiting here.

•

MARTIN QUIGLEY, JAMES CRON, WALTER FUTTER, JEFFREY BERNERD, HORTENSE SCHORR, HANK LINET, BUDD ROGERS, WILLIAM FITELSON and **HAL HORNE** lunching at the Tavern yesterday.

ROBERT SMELTZER, Central district manager for Warners, with headquarters in Washington, arrived yesterday to confer with **ROY HAINES**, Eastern and Canadian sales manager.

•

LAUDY LAWRENCE, M-G-M head in Continental Europe, trying to get here by Clipper, and scheduled to arrive yesterday, now is not due until today. **ARTHUR FIELD**, his assistant, arrived on the *Manhattan* yesterday.

•

ARTHUR GREENBLATT of Alliance Films, is on a sales trip.

•

CHARLES LIEB, salesman for M-G-M in Omaha, is the father of a boy, born this week to **MRS. LIEB**.

•

SAL POPOLIZIO, 20th Century-Fox booker in New Haven, and **GEORGE SOMMA** of Republic in the same city, have left together on a two-week vacation.

•

HARRY BUCKLEY, JAMES MULVEY, AL YOUNG and **J. J. MILSTEIN** at Lindy's (51st St.) yesterday for lunch.

•

JACK BERKSON, sales head for Mohawk Film Corp., has returned from a 12-day trip on deals for features acquired from the former Grand National. He will start another sales trip in about 10 days.

•

STANTON GRIFFIS, ARTHUR LOEW, JOSEPH ROSTHAL, HENRY KRECKE, JOHN GOLDEN and **ARTHUR SCHWARTZ** at Sardi's yesterday for lunch.

Century Benefit Shows

Entire proceeds from the morning performances today and tomorrow at four Century Circuit houses in Brooklyn will be donated to the Brooklyn Chapter of the Red Cross. The benefit shows are scheduled for the Albemarle, Midwood, Marine and Mayfair. Similar shows for the Red Cross are planned for other Century theatres in Queens, Nassau and Suffolk Counties.

Grainger Closes Deal

James R. Grainger, president of Republic, in Toronto on a sales tour, has closed a product deal with Famous Players Canadian, operating 275 theatres in Canada. Grainger acted in association with A. W. Perry, general manager of Empire Films, Ltd., distributor of Republic product in Canada.

Heads Pioneer Branch

VANCOUVER, B. C., July 18.—W. S. Jones of RKO here has been named chairman of the Vancouver branch of the Canadian Picture Pioneers. J. R. Muir is secretary.

Monogram Opens Meet Here Today

Monogram will open a two-day Eastern regional sales meeting at the Barbizon-Plaza here today, with Edward A. Golden, general sales manager, presiding. Representatives from the home office and nine exchanges will attend.

Principal speakers will be Thomas P. Loach, vice-president and treasurer; Harry H. Thomas, sales manager in New York, Washington and Philadelphia; Norton V. Ritchey, foreign manager; Louis S. Lifton, director of advertising and publicity; Lloyd Lind, head of the contract department, and John S. Harrington, manager of the accessories and prints.

Talks will be made by these exchange executives: Samuel Broidy, manager of the Boston office; Ben Welansky, president of the Boston and Pittsburgh offices; Samuel Rosen, manager of the Philadelphia branch; J. J. Felder, New York manager; Mark Goldman, Pittsburgh exchange manager, and Harry Berkson, president of the Albany and Buffalo offices.

Ampa Board Talks New Meeting Place

The board of directors of Ampa met yesterday at the Tavern for a general discussion of a new meeting place when regular luncheon meetings are resumed on Sept. 12. Jack Dempsey's Restaurant, where sessions were held until this Summer, has been closed.

Some discussion also was held of the plan to join with the Motion Picture Associates and Picture Pioneers in establishing a relief fund for the Eastern section of the industry. The next board meeting will be held Aug. 29.

McCormick West Sunday

S. Barret McCormick, director of advertising, publicity and exploitation for RKO, will leave Sunday via TWA Stratoliner for the Coast. McCormick will screen pictures and confer with studio executives.

Drive Plaques Go Out

Bronze plaques will go forward today to the winners of the three main prizes in RKO's recent Ned Depinet Drive. The plaques have been awarded to Buffalo, Milwaukee and New Haven.

"It's time you knew about these things, dear!" You must see

PRIDE AND PREJUDICE

(M-G-M hit starring GREER GARSON & LAURENCE OLIVIER)

Coming Soon!

Lindy's INC.

RESTAURANTS

1626 BROADWAY (Next to the Rivoli Theatre) 1655 (51st Street Corner)

For over 20 years the luncheon and dinner place for Motion Picture People

Sole agents in New York for FAMOUS BLUM'S ALMONDETTES from San Francisco, California

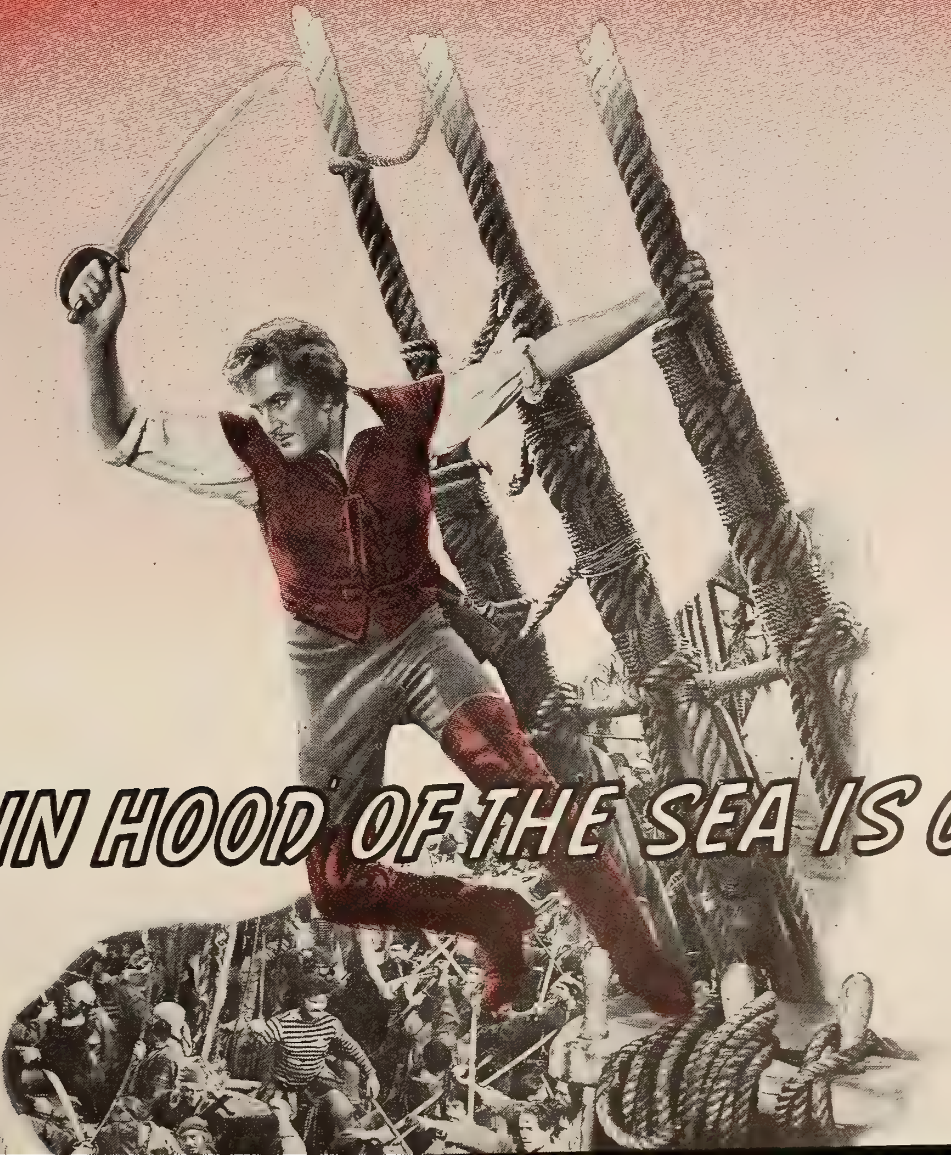
MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London."

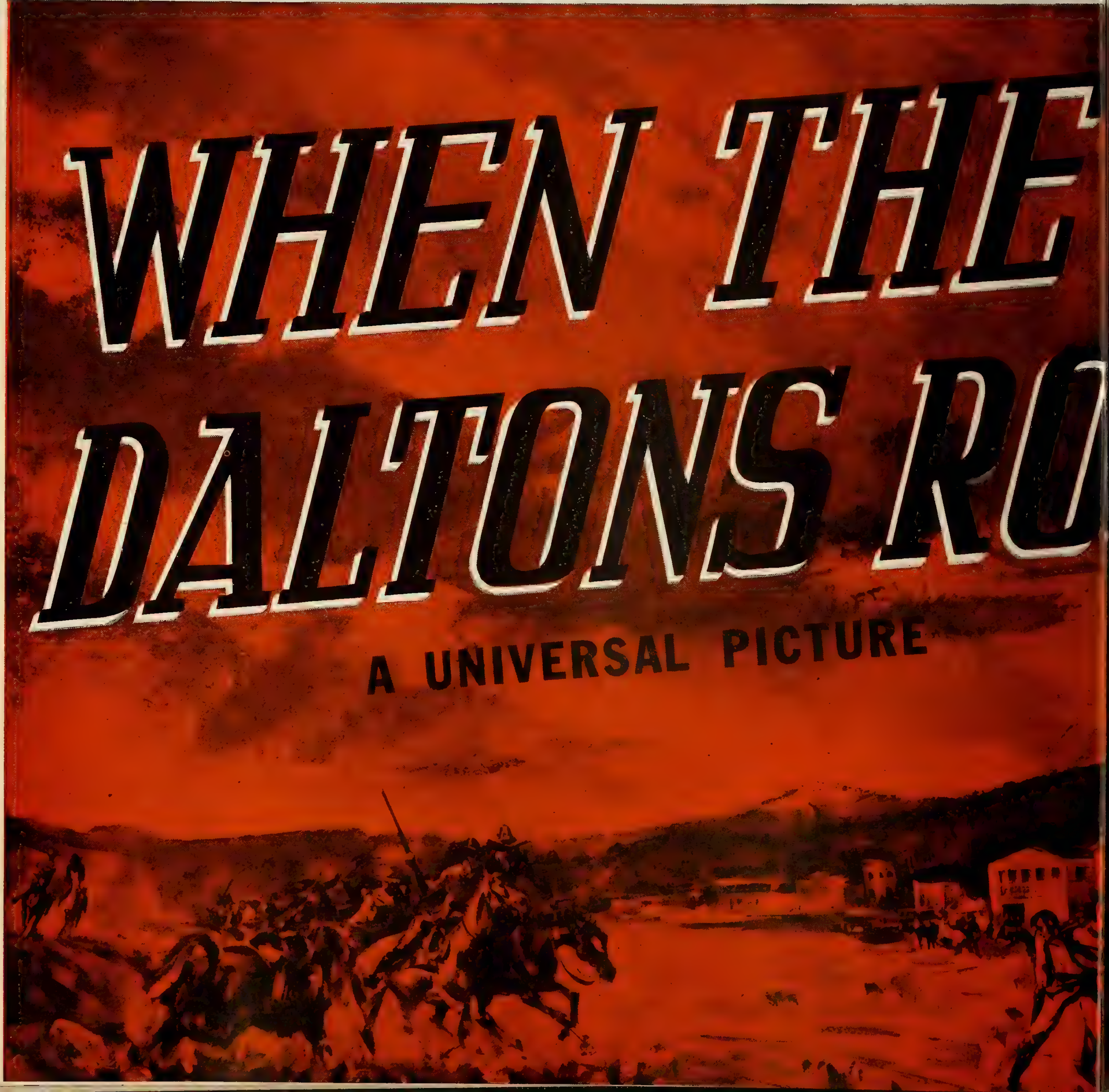
All contents coprighted 1940 by Quigley Publishing Company, Inc.
Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

WARNERS' Sea Hawk



THE 'ROBIN HOOD' OF THE SEA IS COMING!

WILDWARD HO in the most fantastic tale of lawlessness ever recorded ... of blood-streaked days when terrorism spanned the prairies ... when mounted buccaneers signed bank checks with lead bullets ... and laughed, loved and plundered to make burning pages in the history of the West....


WHEN THE
DALTONS RO
A UNIVERSAL PICTURE

with

RANDOLPH SCOTT
KAY FRANCIS
BRIAN DONLEVY
GEORGE BANCROFT
BRODERICK CRAWFORD
STUART ERWIN
ANDY DEVINE
FRANK ALBERTSON
MARY GORDON

Original Screenplay by Harold Shumate
Based on "When the Daltons Rode" by
Emmett Dalton and Jack Jungmeyer, Sr.

Directed by GEORGE MARSHALL
who made "DESTRY RIDES AGAIN"!

NATIONAL RELEASE JULY 26th

Kaltenborn and Quigley Express Views

Kaltenborn in Defense Of His Radio Technique

To the Editor,
Motion Picture Daily:

I have just read the article by Martin Quigley in your issue of June 28th, entitled "Radio Responsibility." This mentions me as having lately "been heard in forensic and imaginative harangue in periods when he was supposed to be presenting the news and offering reasoned comment thereon."

Obviously, it is a matter of opinion whether or not a man is forensic, whether or not his harangue is imaginative. Nor do I object to anyone saying that my talk is forensic. According to Webster, this means that it is an argument presented with some measure of rhetorical competence. Nor do I object to having my discourse spoken of as imaginative. There can be no competent interpretation without the use of the imagination. But I don't accept the conclusion that because I am forensic and because I have imagination that I am unable to present the news and offer reasoned comment thereon.

And I particularly object to linking my name and mine alone with the implication that it is I who "disseminate rumor, gossip and unverified report, and then proceed nonchalantly to let the whole matter vanish into thin air without correction and re-statement when the truth is learned."

That is exactly what I do not do; that is exactly what certain other people who broadcast news do. And the reason why I have won first place as America's premier radio commentator in so many polls, including your own, is just because I know how to distinguish between unverified rumor and probable fact. I also object to your linking my name and mine alone with your statement, "with an absurd posturing they—the radio commentators—tell all—'confidentially'." That obviously refers to a radio program called "Confidentially Yours," with which I have nothing to do.

I agree with almost everything that Martin Quigley says about radio responsibility, but as the first man on the air to interpret news, the only man who has been at it continuously for eighteen years and the particular man who seems to have the largest following of the news commentators at this particular time, I object to being branded as the one man who seems to be breaking what you think are the rules.

And while I am at it, I would just like to point out one absurdity that is contained in Quigley's article and that is also contained in the code of the National Association of Broadcasters. I refer to the attempt to draw distinctions between editorializing and news interpretation. Every Washington correspondent, every newspaper columnist, every man who writes in every newspaper from foreign capitals under a by-line is constantly editorializing in the sense that he is selecting, emphasizing, interpreting and pointing up the news.

There is no such thing as completely dispassionate, disinterested reporting. If it were that, it would also be colorless and, to a large extent, worthless. The test, it seems to me, is whether a man has a conscience, a sense of fairness and the competence to do his job well. If he has these three and they are supplemented by good radio technique, he can be effective as a commentator. As you and I both know, there is now current an attempt to turn even the most competent and best established commentators into intellectual eunuchs. I expect to continue to resist this effort. When I am no longer able to do so, I will go off the air. I hope, for the sake of radio and its great service to the American public in presenting intelligent news analysis, that the current attempt to cripple the effectiveness of radio commentators will not succeed.

And let me repeat that I heartily agree that every news analyst should carry a keen sense of responsibility to the microphone whenever he approaches it.

H. V. Kaltenborn

Retain Present Net Status, MBS Urges

Washington, July 18.—The Mutual Broadcasting System today urged the Federal Communications Commission to order that the status of station-network affiliations be maintained without change until such time as it has passed on the monopoly report which is now pending before it.

In a petition filed with the Commission, Mutual Broadcasting suggested that the national networks should be prohibited from accepting any new stations, and that no extensions of contracts or changes therein be permitted which would run beyond a date to be fixed by the Commission.

By the time such a specified date is reached, Mutual contends, the monopoly report could be acted upon and such regulations as might be discovered to be necessary could be adopted.

The monopoly report was submitted several weeks ago to the FCC. Action on it by the Commission is expected in the near future.

The Commission's action on the report may affect all major networks, and NBC and CBS in particular.

Quigley Calls for Fact, Editorial Demarcation

To Mr. H. V. Kaltenborn:

This issue, the problem and the menace of radio practises, is the one important aspect of my editorial, your letter of response and this reply. The fundamental point is that the journalism of an American free press acquired rights and now maintains status by a sharp cut line between news reporting of facts and editorial discussion of the facts from points of view, positions of opinion. The radio in assuming functions of the press is but a new mechanism performing the same function of communication. The radio's responsibilities are identical.

The reference to your distinguished name in my discussion has aimed not at designating you as a chief offender, but rather to sharply point to the progress of the practises concerned.

The fact is that radio broadcasting, and its news reports and commentaries take license from the fact that they are like words written on water, with no check for the consumer but his own faulty memory. This characteristic fact merely increases the responsibility of radio, calling for standards more exacting than those which may appropriately be insisted upon in any other means of communication.

In assuming functions formerly reserved to the newspaper radio cannot escape the responsibilities inherent in the dissemination of news and comment. Rather it must be responsive to all of these and in addition to those which arise out of the nature of the medium itself.

In accepting the terms "forensic" and "imaginative" as descriptive of your efforts your position, perhaps, is clarified. It seems, then, in presenting a news development to a radio audience you think it fit and proper to present an argumentative thesis, a solo debate with imaginative flourishes, forensically in support of or in opposition to particular parties and causes at issue. Incidentally, I find Webster defines "forensic" as "argumentative; an exercise in debate; an argumentative thesis"—and not as "an argument presented with some measure of rhetorical competence."

I doubt that your reputation as America's premier commentator is based on an assumed ability to distinguish between unverified rumor and probable fact, for the reason that such ability is an attribute only of a prophet. There is no such thing in the human sense as an ability to determine what is and what is not a probable fact in the case of headline news developments. Many rumors may promptly be dismissed by a person of knowledge and experience as improbable but in many other instances it is perilous business to attempt to say what is a probable fact—especially when the thoughts and emotions of millions of the public are to be influenced by the pronouncement.

The article to which you refer did not attempt to draw a distinction between editorializing and news interpretation. As far as I am concerned they are one and the same thing. The distinction which I did attempt to draw is between editorializing and *news-reporting* which the article insisted "are two distinct publication functions which must be kept separate and distinct if the end result is to be fair and legitimate, on the radio and elsewhere."

It is true that Washington and foreign correspondents, columnists and other *by-line writers* editorialize in the sense of selecting, emphasizing, interpreting and pointing up the news. But alongside of this material every responsible journal publishes the straight, unadorned news in so far as it is able to get it.

It is likewise true that there is no such thing as completely distinterested news reporting—any more than any other human effort is completely disinterested. But as you and all other experienced journalists know, there is such a thing as a straight news story which fulfills that most vital function in a democracy of giving the reader the news upon which he may, if he wishes, form his own opinion and not be wholly dependent upon the opinion of some one else. That is what the newspaper reader is entitled to. That also is what the radio listener is entitled to.

It is not enough that a man thinks he has a conscience, a sense of fairness and a competence to do his job well. The dictators may think, and probably do, that they have all these qualifications. The public is entitled to the news, straight and plain, first. After that the editorializing, news interpretation and what-not.

It is hardly to be denied that competent news reporting by radio may fulfill a great public service. As to news interpretation a myriad of questions arise. The news interpreter obviously must possess an extraordinary ability, knowledge, experience and—most particularly—judgment. And even with all of these attributes it probably is not humanly possible that it can be done and done well at the moment of a great news development.

For instance, Mr. Kaltenborn, on June 23rd, the day news of the Franco-German armistice came through, you opened your broadcast with the simple sentence, "France is no more." Before finishing your broadcast you described the developments as "an episode of but a moment in the history of a great nation and a great people." The effectiveness of the radio commentator here, it would seem, was to add confusion and not clarity to the public mind.

Elsewhere in this same broadcast you said:

"And wait until you get the Italian terms for the armistice, and you will see what happens to that part of France which Germany doesn't take for hers; for we have yet to hear what ports in Southern France on the Mediterranean Italy will ask for herself, as Germany has already asked for all other ports of France."

Here obviously you subscribed to certain "probable facts" not without some judgment and reason, but still the effect was a wrong impression in the minds of millions of your listeners.

We indeed agree that every news analyst should carry a keen sense of responsibility to the microphone whenever he approaches it. But he needs to carry with him a great deal more. He needs, we think, a policy which provides for stating the news, plainly, simply, factually—without the artifices of of the stage or the political

(*Continued on page* 8)

WITH GOOD REASON

FROM long experience, cameramen confidently rely on Eastman negative films to more than meet today's production requirements. Extra quality—reserve power—supports each film's special ability; and each is firmly established as the raw-film favorite, with good reason. Eastman Kodak Company, Rochester, N. Y.

J. E. BRULATOUR, INC., *Distributors*
Fort Lee Chicago Hollywood

PLUS-X
for general studio use

SUPER-XX
when little light is available

BACKGROUND-X
for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

Quigley Asks Fact, Opinion Cleavage

(*Continued from page* 6)

platform. He needs sharply to distinguish between reporting the news and whatever interpretation or analysis he may wish to place upon the news about which the public already has been informed.

He may be either an editorial writer or a reporter. With respect to timely developments he cannot be both—without violation of the traditions built by valuable experience in journalism, without endangering the stream of true, factual knowledge which the people of a democracy have vital need of and without, on occasion, becoming a prophet without honor.

MARTIN QUIGLEY

Four Stations Ask Power Increases

WASHINGTON, July 18.—Increases in power have been sought of the Federal Communications Commission by four broadcasting stations.

The applications were filed by Stations WSAY, Rochester, N. Y., for change of frequency from 1,210 to 1,340 kilocycles and increase of power from 250 to 1,000 watts; WOKO, Albany, for increase of day power from 1,000 to 5,000 watts; WDSU, New Orleans, for increase of power from 1,000 to 5,000 watts, and KFBB, Great Falls, Mont., for increase of night power from 1,000 to 5,000 watts.

The commission announced that by the adoption of directional antenna systems by Stations WCHS, Charleston, W. Va., operating with 500 watts, and WOBO, Orlando, Fla., and WIBW, Topeka, Kan., using 1,000 watts, all on the same frequency, it has been possible to authorize an increase in the night power of the stations to 5,000 watts.

Fulton Lewis Scoops 'em

Fulton Lewis, Jr., covering the Democratic convention in Chicago for Mutual, scored a beat Wednesday night in revealing a major portion of the Democratic platform two and a half hours before it was announced by Senator Wagner, the network claims.

'Fugitive' to Rialto

"The Fugitive," Universal film co-starring Ralph Richardson and Diana Wynard, opens at the Rialto next Monday. Joseph Somlo produced and Brian Desmond Hurst directed.

Club Outing Monday

CINCINNATI, July 18.—The Cincinnati Variety Club will hold its annual picnic and outing Monday.

Discipline

THE Red Cross is benefiting by the strict discipline imposed upon his men by Orrin Tucker, band leader, whose group is now at the Paramount. Lateness for shows or rehearsals brings a fine of $5 per minute, and so far the Red Cross, which gets all fines, is exactly $165 to the good.

Enabling Law Considered In Peace Pact With 'Big 5'

(*Continued from page* 1)

cussions are continuing on the phraseology of the conditions to be stated in an "escape" clause protecting the companies in the event that the consent decree is found to be "unworkable."

Government's Position Defined

This, according to spokesmen, disposes of any conjecture regarding what the Government's position would be as against the three companies which have not participated in the present negotiations and which have additionally indicated that they will not concur in any consent decree. Although there have been opinions expressed among those participating in the negotiations that the Government might proceed with the trial as against these three companies only, in the event of a peace with the Big 5, it is now felt by such persons that this new legislative angle revealed by the Department of Justice replaces that probability.

In discussing this legislation phase of the situation, some of the negotiators express doubts as to its practicability and the desirability. Others are not sure about the constitutionality of such legislation.

U. S. Attorneys to Washington

Yesterday Government lawyers and lawyers for the Big 5 again discussed matters pertaining to the decree and at the end of the day the Government attorneys returned to Washington. There will be no meeting today. Representatives of the defendants, however, expect to have a meeting of their own on Monday but on Tuesday the defendants will have another session with Government attorneys leading towards the compilation of a tentative draft, inclusive of all the subjects discussed. So far no such draft has been formulated and the only drafts which have been made have been of the separate items.

See Revisions Necessary

Company officials who are presently engaged in studying the maze of proposals in their unfinished form, already have expressed their opinions that much of that which has been so far compiled will have to be rephrased and altered.

The wording of the "escape" clause, particularly, they assert, will require great care.

Arnold has been supplied with copies of the memorandums which have been distributed among ranking company executives. The memorandums represent only suggested procedure and are in no sense final agreements. They have been given to company executives to obtain their reactions to the practicability of the proposals. Changes may be suggested, as a result, and extended negotiations are still likely.

No Arbitration Agreement

Government attorneys reported yesterday that preliminary agreements have not yet been reached on arbitration proposals. While it has been agreed that production-distribution, exhibition and the public will be represented on arbitration boards, the number to serve on the boards has not been finally determined. It was stated that the Government is primarily concerned with the designation of arbitrators to represent the public, and is not inclined to dictate the selection of industry representatives on the boards.

Frisco Fair's Film Exhibit Is Closed

SAN FRANCISCO, July 18.—Stage 9, the Hollywood exhibit at the Fair here, showing how motion pictures are made, has closed owing to "lack of attendance". Other attractions at Treasure Island, including Billy Rose's Aquacade, Folies Bergere, Cavalcade of America, and Salici's Puppets, are breaking attendance records.

Efforts to financially reorganize Stage 9, for a reopening in about two weeks, are under way. The production had been featuring Neil Hamilton and Dorine McKay, Hollywood players, in the leads of a color production, made before an audience.

Para. Signs Pal for Six Animated Shorts

Paramount has signed George Pal to produce six one-reel animated character subjects for the company's new season schedule. The series will be known as the "Merry Models".

Pal, a Hungarian emigre, employs three-dimensional plastic figures, instead of drawings, for his subjects.

200 Prints on Fight

More than 200 prints of the Armstrong-Jenkins fight Wednesday night were sent to accounts by RKO yesterday. The film, made by RKO Pathe, runs 18 minutes.

Syracuse Acclaims 'Boys from Syracuse'

(*Continued from page* 1)

wood and New York personalities and local leaders.

The opening festivities were concentrated at the RKO Keith. This was said to be the first film premiere this city has had. This afternoon there was a parade through downtown streets, in which citizens sported togas of ancient Greece and drove chariots. Hollywood stars waved from elevated seats on open cars camouflaged to look like floats. Thousands participated in the welcome and celebration.

Special planes brought most of the Coast delegation, among them Joe Penner, Eric Blore, Peggy Moran, Constance Moore and Eddie Sutherland, who directed the film.

C.E.A. Says British Tax Plan Is Unjust

(*Continued from page* 1)

ficers with Treasury Department officials, it is understood Harry P. E. Mears, C.E.A. president requested a personal interview with the Chancellor of Exchequer.

The C. E. A. has expressed itself in favor of the formation of a Film Credit Bank, and has asked assurance that its members will not be held for quota defaults in the event of a shortage of product.

'Hardy' Best With $14,000 In Frisco Lull

SAN FRANCISCO, July 18.—"Andy Hardy Meets Debutante" and "A Fugitive From Justice" drew $14,000 at the Fox, best in a poor week, with competition from the fair, baseball and the roller derby. "Cross Country Romance" took $13,000 at the Golden Gate.

Estimated takings for the week ending July 9-12:

"Cross Country Romance" (RKO)
GOLDEN GATE—(2,850) (39c-44c-55c) 7 days. Stage: vaudeville. Gross: $13,000. (Average, $15,000)

"Girls of the Road" (RKO)
"The Awful Truth" (Col.)
ORPHEUM—(2,440) (15c-33c-39c-44c) 7 days. Gross: $7,200. (Average, $8,000)

"A Fugitive From Justice" (W. B.)
"Andy Hardy Meets Debutante" (M-G-M)
FOX—(5,000) (15c-33c-39c-44c) 7 days. Gross: $14,000. (Average, $16,000)

"Safari" (Para.)
"I Was an Adventuress" (20th-Fox)
PARAMOUNT—(2,740) (15c-33c-39c-44c) 7 days, 2nd week. Gross: $10,000. (Average, $11,500)

"One Million B.C." (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-50c) 7 days, 3rd week. Gross: $6,800. (Average, $8,000)

"The Ghost Breakers" (Para.)
"Lucky Cisco Kid" (20th-Fox)
ST. FRANCIS—(1,400) (15c-33c-39c-44c) 7 days, 4th week. Gross: $5,000. (Average, $6,000)

"New Moon" (M-G-M)
"Gambling on the High Seas" (W. B.)
WARFIELD—(2,680) (15c-33c-39c-44c) 7 days, 2nd week. Gross: $10,500. (Average, $12,000)

"The Baker's Wife" (Foreign)
CLAY—(400) (15c-39c-44c-55c) 7 days, 3rd week. Gross: $1,200. (Average, $1,000)

Denies Select's Plea On Ainley Injunction

N. Y. Supreme Court Justice Edward J. McGoldrick has denied an application of Select Theatres Corp. (Shuberts) for a temporary injunction pending trial to restrain Richard Ainley from carrying out an employment contract with Warners on the ground that the suit had been transferred to Federal Court.

The Shubert company is seeking $100,000 damages, claiming that it had signed Ainley in July, 1939, and that it had the right to pass on any film contract offered him.

Cinecolor Has New Reduction Process

HOLLYWOOD, July 18.—Cinecolor plans shortly to announce a new process for reducing 35mm. sound track to 16mm. prints by which proportionate reduction is effected both vertically and horizontally. Distortion is entirely eliminated and the method gives 35mm. quality to the smaller film, according to A. L. McCormick, president. The process will be known as Cinecolor dual amplitude reduction.

'Truth' Next for Hope

HOLLYWOOD, July 18.—"Nothing But the Truth," farce from the recent novel by Frederick Isham and the play by James Montgomery, will be Bob Hope's next film for Paramount. Frederick Hazlitt Brennan will do the script and Arthur Hornblow, Jr., will produce.

FILE COPY. DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 15 NEW YORK, U. S. A., MONDAY, JULY 22, 1940 TEN CENTS

Loew's Policy High Quality, Says Schenck

Outlines Company Plan In View Foreign Loss

Maintenance of production quality and caution in operating procedure were described by Nicholas M. Schenck over the weekend as the substance of Loew's future policy as a result of lost foreign markets.

N. M. Schenck

Schenck's statement was made in response to inquiries as to the effects of the international situation on the company's future plans.

"Our policy is this," he said. "To proceed carefully, to economize where we can but never at the sacrifice of quality in production."

"After all," he observed, "our hope is to get the best returns from the markets open to us and it would be impractical to try to increase busi-

(Continued on page 6)

Net profit of $7,996,394 is reported by Loew's, Inc., for the 40 weeks ended June 6. Story on page 4.

Equity Approves One Actors' Union

The council of Actors Equity Association, at a special meeting on Friday approved the plan of one big actors' union, supplanting the various talent unions now affiliated with Associated Actors & Artistes of America. Actors' Equity is the first 4-A group to give approval. The project has still to be approved by the other affiliated 4-A unions which have it under consideration.

At Friday's meeting the Equity counsel considered the report of Bernard Reis, accountant, covering the practicability of the consolidated actors' union, which has been under study by Equity's committee on efficiency and economy for the past two

(Continued on page 6)

U. S. Consent Decree Draft Ready for Suit Settlement

'Escape Clause' and Arbitration to Be Worked Out; No Mention of Conspiracy; Executives Study Proposals

By SAM SHAIN

Except for the "escape clause" and a plan of arbitration, a tentative draft is ready on the proposals for a consent decree in the New York anti-trust suit. The proposals which are embodied in this draft are not final. They are subject to amendment and may be altered in future meetings between the negotiators. Industry experts and company executives studied the proposals over the weekend. In Atlantic City, Paramount's principal theatre partners met over Sunday, at the call of E. V. Richards, Saenger Circuit chieftain, to discuss the proposals.

Meantime, Government lawyers active in the negotiations were conferring in Washington with Thurman W. Arnold, assistant United States Attorney General in charge of the case.

Thurman W. Arnold

There is no mention of conspiracy in the draft. Spokesmen assert that the Government has concluded that for it to prove the existence of conspiracy among the defendants, would be well-nigh impossible, if the manner in which the present negotiations were conducted is taken as a criterion. These parties aver that there has been considerable difference of opinion among representatives of the defendant companies on all the proposals, tentative as they are.

The draft is, however, considered proof of the sincerity of all concerned in trying to reach an out-of-court settlement. No principal negotiator, when interviewed, felt qualified to predict when the matter might be finally agreed upon. Considerable alteration in the drafted proposals are anticipated by them, after their company experts on distribution and theatre operation

(Continued on page 5)

Minority Firms Still Hold Out

No change in their stand not to concur in any consent decree proposal was indicated over the weekend by Universal, Columbia and United Artists. According to company spokesmen, the position of these companies and their attitudes towards the out-of-court settlement of the New York anti-trust suit remain unchanged. They want no part of it, it is stated.

Pact to Ban Wide Theatre Expansion

That the Big 5 are ready to enter into a "non-aggression pact" on theatre expansion with the Government, in lieu of divorcement, is revealed in the present draft of proposals for a consent decree. This agreement is for three years.

Under it, the defendant companies

(Continued on page 5)

Burden Is on Distributor

What may prove to be the seed of revolt against accepting the present decree draft, according to spokesmen, is the proposal which designates a run for every theatre and permits the taking away of product from one theatre in order that another may obtain that product. At the same time the burden of justifying the withholding of product from a complaining exhibitor is placed on the distributor.

This proposal, according to spokes-

(Continued on page 5)

N. Y. Allied Joins MPTOA

ALLIED Theatre Owners of New York, of which Max A. Cohen, head of Cinema Circuit, is president and chairman of the board, with a membership of more than 200, is now affiliated with the M.P.T.O.A. Decision to become part of the M.P.T.O.A. was made Thursday at a meeting of the executive board. The vote was unanimous. The unit formerly was an affiliate of Allied States, but severed its ties with that organization last year.

Max A. Cohen

New York Allied's move followed an invitation to join the M.P.T.O.A. by Ed Kuykendall, president. The matter first was broached by Charles Hayman, head of the M.P.T.O.A.'s Buffalo unit.

New York Allied will retain its name and will be autonomous. It is the first M.P.T.O.A. affiliate in this territory, and probably the largest of them all.

Cohen led the break away from Allied States because of what he termed "unfair dealing" by national Allied both at Washington and at its Minneapolis convention, during the trade practice code negotiation era.

Reviewed in This Issue

"I Married Adventure," "South of Pago Pago"—Page 4. "The Sea Hawk," "Haunted House"—Page 6.

Personal Mention

DEL GOODMAN, Far Eastern managing director for 20th Century-Fox, arrived on the Coast from Tokio over the weekend, and will remain there about two weeks before coming East.

•

William C. Gehring, 20th Century-Fox Central division manager, has returned from Chicago and Detroit.

•

Tyree Dillard, Loew's attorney, has returned from a fishing trip in Maine.

•

Herman Fuchs, RKO Pathe News music editor, and Jessie Lebson were married yesterday at the Hotel Pierre. They are on a motor trip to California, planning to return about the middle of September.

•

James R. Grainger, president of Republic, is due back today from a sales trip to Toronto, Chicago and Detroit.

•

Mr. and Mrs. I. J. Hoffman (he is Warner Theatres New Haven zone manager) have announced the engagement of their daughter, Edith, to Gerald Steinberg, Bridgeport attorney.

•

Lou Lifton, Monogram director of advertising and publicity, is vacationing in New England.

•

Terry Turner, exploitation manager for RKO, returned to the home office Friday after three weeks in the field.

•

Arthur Field, M-G-M assistant manager in Continental Europe, who returned from abroad late last week, left for the Coast Saturday.

•

Manny Reiner of Monogram returns today from a vacation in Miami and Cuba.

•

Among vacationers along Albany's film row are: Winifred Allen, Wayne Carnigan, Mrs. Doris Senecal, 20th Century-Fox; Joseph Weinstein, Elizabeth Herrick, Ray Powers, Jules Curley, Warners; Alexander Sayles, manager of Fabian's Palace.

•

Thomas Speck, assistant at the Trans-Lux, Philadelphia, has become engaged to Marie Kennedy, former cashier at the house.

•

William Pancake is celebrating his 25th anniversary as manager of the Knickerbocker, Columbus, O.

•

John McManus, manager of Loew's Midland, Kansas City, is vacationing with his family in Hollywood. Robert Kail is taking his place at the theatre.

•

Al Corwin, assistant to L. F. Whelan, director of foreign publicity for 20th Centutry-Fox, left Saturday on a vacation trip to Nassau.

•

Jimmy Sileo covered the Syracuse premiere of "The Boys from Syracuse" photographically.

Readers' Say-So

Cooperative advertising and Samuel Goldwyn's recent article in the Saturday Evening Post *are discussed by prominent readers of* Motion Picture Daily.

Editor, Motion Picture Daily:

I read with great interest your article about RKO's decision to reduce cooperative ads with exhibitors, and I sincerely hope that they don't change their minds, because the idea that these ads are beneficial to first-run houses in key situations is fallacious, and expensive to the exhibitor.

I sincerely hope that all the other companies adopt the same general practice. You will find, however, that they won't, because the exhibitors in the hinterland will be clamoring for the ads to continue, and the exchange managers and salesmen will ask that they be continued, not that they will help the first-run theatres, but that they will help them sell pictures to the subsequent theatres and out in the hinterland.

It is rather strange that the exhibitors seem to grade the pictures by the size of the first-run ad rather than by the reviews or the actual results, Many times we run even bad pictures with great big ads, and they certainly don't help our first-run income.

Sincerely yours,
Harry Arthur,
Vice-President, Fanchon and Marco Theatres,
St. Louis, Mo.

Advertising Manager Speaks

Editor, Motion Picture Daily:

It has always been the Lincoln Theaters Corp. (J. H. Cooper-Paramount) policy on producer co-op ads that we take our regular house budget, 50 column inches weekly, and add 50% of the co-op price. In other words, if the distrib takes a 40 inch advertisement, we take our regular 50, and 20 inches additional.

LTC is very much in favor of co-ops, and we feel the public is genuinely impressed in most cases that a big picture is at hand when one runs. We help generate that feeling, by not going from a 3 col. 13 inch spread to a 2 inch 1 col. shot the day after. We keep the big ones going for three days.

Cordially,
Ed Vaughan,
Advertising Manager,
Lincoln Theaters Corp.
Lincoln, Neb.

Small on Goldwyn Article

Editor, Motion Picture Daily:

I read the article "Hollywood is Sick," by Sam Goldwyn, and I believe it defines the evils of the double bill in a very understandable manner. Goldwyn's experience has been a long one in the business—both in production and distribution—and the article proves he knows what he is talking about.

Speaking for myself, now that the triple bills are becoming more popular and double bills are commencing to be a thing of the past, the exhibitors will have to think of more things to give away in addition to soap chips, pottery, radios, and automobiles. I suggest they add to these things bowling, drinks and slot machines, etc. After all, there is no limit to what can be done. With all the goodies that are being concocted for the public, the theaters will become a combination of dance halls, gambling and auction rooms. We might commence to wonder whether pictures are a major entertainment or purely a side-line, and maybe if this continues, the greatest entertainment for the masses the world ever knew, which is talking pictures, might get lost in the shuffle.

The situation which is facing the motion picture industry is a continuation of quality in pictures. The American public doesn't recognize our industry's problems. They are not interested in what pictures cost nor how broad the market may be. The great capital investment in this industry throughout the country cannot survive with inferior product and unless all parties concerned admit this condition and do something about it, I predict that the product coming out of Hollywood from January 1st on will be on the decline. As surely as this happens, you will find thousands of exhibitors in a turmoil and theatres thrown on the market at your own price.

Edward Small,
President, Edward Small Productions, Hollywood.

Wanger Concurs

Editor, Motion Picture Daily:

I concur in what Samuel Goldwyn says about Hollywood. In my diagnosis of Hollywood's ills so long as double features, giveaways, bank nights and other forms of racket-store show-business continue any cure for the ailment will be difficult. Producers are supported by the market. Motion pictures are the legitimate shows of the day. They must have individual consideration, exploitation and better presentation. Audiences are extremely critical but hungry for good entertainment. Producers must advance their standards in face of a most discouraging market. Theatremen must help them by individual methods of selling and presenting pictures to the public. Now that producers can concentrate on the American market they must have more help from American showmen! There must be greater unity in thought and action. Hollywood IS sick as Goldwyn says. I think it is a nervous breakdown brought about by too many kinds of showbusiness. Hollywood has a strong constitution and will regain sturdy health only the proper stimulation honest co-operation brings.

Walter Wanger,
Hollywood.

Georgia's Governor Honors H. M. Warner

Harry M. Warner, president of Warners, will be awarded an honorary appointment as lieutenant colonel on the staff of Gov. E. D. Rivers of Georgia, in recognition of the company's campaign against "Fifth Column" activities.

In announcing the honor, Governor Rivers specifically cited the Warner film, "Confessions of a Nazi Spy."

Matter of Opinion

Cincinnati, July 21.—This double billing was on the marquee of the suburban Clovernook:

"Two Girls on Broadway"
"And One Was Beautiful"

Laudy Lawrence Here After Much Delay

Laudy Lawrence, Continental European manager for Loew's, arrived in New York on the *Yankee Clipper* Saturday, one week later than his originally scheduled arrival. Lawrence was held at Lisbon last weekend when accommodations could not be obtained on the *American Clipper*. After being given space on the *Yankee Clipper*, that ship was twice delayed at Lisbon and twice at Horta by unfavorable weather and motor trouble.

Having left Paris the day the German army entered the city, Lawrence is reported to have made the entire trip from there to the Spanish border on foot and by bicycle. On his arrival in Spain his only possessions were the clothes he was wearing.

Philadelphia Pool By W. B., Goldman

Philadelphia, July 21.—A pooling deal in the Germantown area here has been completed between William Goldman, for the Bandbox and Warner Theatres, for the Germantown. The Germantown will play first run in the area for 20th Century-Fox and Columbia product, with the Bandbox playing shows after the Germantown on a continuous run basis.

The Bandbox had been using 20th Century-Fox and Columbia product, but the house has a small seating capacity, and the use of the Warner Germantown, now being renovated and enlarged, will be a decided advantage. Goldman, who operates an independent theatre circuit in the state, is a former Warner zone chief.

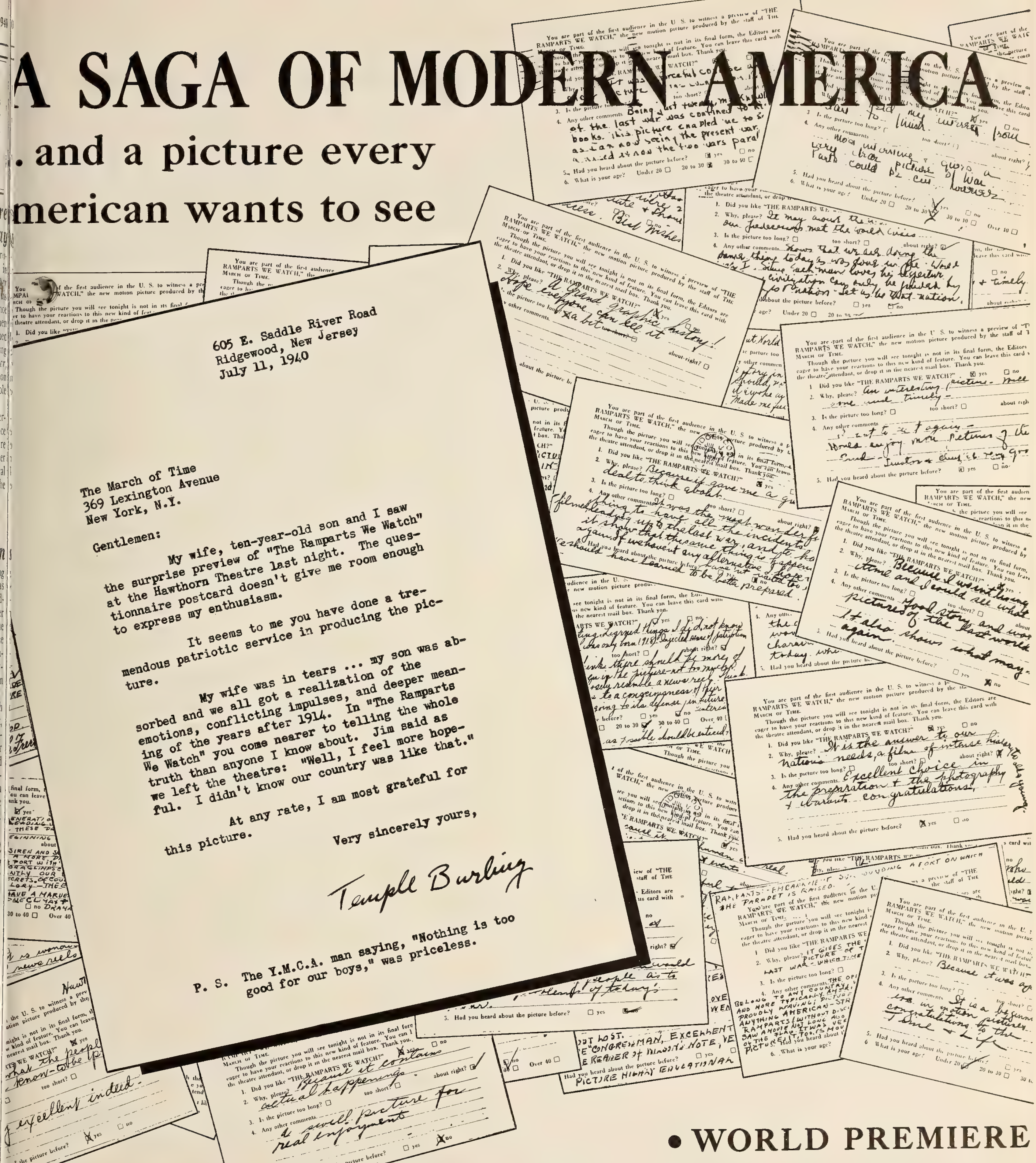
Fishman, New Haven Pioneer, Is Dead

New Haven, July 21.—Funeral services were held today for Abraham Fishman, founder of the Fishman Theatre Circuit, who died yesterday after a heart attack. Fishman, who also headed the chain of theatres which he had founded, was active in independent exhibitor affairs and in various philanthropies.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

A SAGA OF MODERN AMERICA

. and a picture every merican wants to see



605 E. Saddle River Road
Ridgewood, New Jersey
July 11, 1940

The March of Time
369 Lexington Avenue
New York, N.Y.

Gentlemen:

My wife, ten-year-old son and I saw the surprise preview of "The Ramparts We Watch" at the Hawthorn Theatre last night. The questionnaire postcard doesn't give me room enough to express my enthusiasm.

It seems to me you have done a tremendous patriotic service in producing the picture.

My wife was in tears ... my son was absorbed and we all got a realization of the emotions, conflicting impulses, and deeper meaning of the years after 1914. In "The Ramparts We Watch" you come nearer to telling the whole truth than anyone I know about. Jim said as we left the theatre: "Well, I feel more hopeful. I didn't know our country was like that."

At any rate, I am most grateful for this picture.

Very sincerely yours,

Temple Burling

P. S. The Y.M.C.A. man saying, "Nothing is too good for our boys," was priceless.

You are part of the first audience in the U. S. to witness a preview of "THE RAMPARTS WE WATCH," the new motion picture produced by the staff of THE MARCH OF TIME.

Though the picture you will see tonight is not in its final form, the Editors are eager to have your reactions to this new kind of feature. You can leave this card with the theatre attendant, or drop it in the nearest mail box. Thank you.

1. Did you like "THE RAMPARTS WE WATCH?" ☒ yes ☐ no
2. Why, please? It is the answer to our nation's needs, a film of intense history
3. Is the picture too long? ☐ too short? ☐ about right? ☒
4. Any other comments. Excellent choice in the preparation + the photography + cameraman congratulations.
5. Had you heard about the picture before? ☒ yes ☐ no

• WORLD PREMIERE
FOR OFFICIAL WASHINGTON
JULY 23rd at RKO KEITH'S

"THE Ramparts We Watch"

Loew Reports 40-Week Net Of $7,996,394

Loew's, Inc., share of operating profits after subsidiaries' preferred dividends amounted to $15,594,078 for the 40 weeks ended June 6, the company reported yesterday. Net profit for the period was $7,996,394.

The figure compares with $8,173,060 net for the corresponding period of the preceding fiscal year.

The company's share of operating profits after subsidiaries' preferred dividends compares with $14,271,675 for the corresponding period of the preceding fiscal year. After depreciation and taxes, Loew's, Inc., share of operating profits for the period ended June 6 was $11,096,394, compared with $9,793,060 the preceding year.

A $3,100,000 reserve for contingencies was set up during the period, compared with a $1,620,000 reserve the preceding year. The net profit is equivalent to $58.49 per share on the preferred, compared with $59.78 per share a year ago, and to $4.39 per share on the common, compared with $4.62 per share a year ago.

Phila. Strike Meet Ends in Deadlock

PHILADELPHIA, July 21.—A meeting between Warner Theatre officials and the local musicians' union, held here late last week at the insistence of James C. Petrillo, president of the American Federation of Musicians, ended in a stalemate.

The local had been instructed by Petrillo to accept "any reasonable settlement offer" and, it is understood, Frank Phelps, Warner labor contact, had been urged by the union chief to make "a reasonable offer." The Warner officials repeated their original offer to spend $90,000 for the year for music at the downtown Earle and for Sundays at the Stanley in Camden.

The offer, which was first made when the musicians' strike originated eight months ago, was termed "ridiculous" by the union, which countered with a request for an expenditure of at least $160,000 annually, to restore music to several neighborhood houses. Warners' annual music bill here was $180,000 prior to the strike.

According to the local, the next move is entirely up to Petrillo and Joseph N. Weber, past president of the A. F. M. It was intimated that Petrillo might use the case to test his favorite theories of "canned" music and producer-exhibitor relationships.

In addition to Phelps, the meeting here was attended by Ted Schlanger, Warners' local theatre zone head, and Ellis Shipman, circuit executive. The union was represented by Frank P. Liuzzi, president; A. Rex Riccardi, secretary.

Warners Release Muni and Dieterle

HOLLYWOOD, July 21.—Paul Muni and Director William Dieterle have been released by Warners due to their insistence on selecting their own stories. Muni's contract had three years to go and Dieterle's one year.

Hollywood Reviews

"I Married Adventure"

(Columbia)

HOLLYWOOD, July 21.—At a time when even the "purpose picture bloc" in Hollywood is devoting its utmost energies to the production of "entertainment only" pictures—"escapist films," to use their own now respectful word for them—this film account of the adventurings of Martin and Osa Johnson into the African and island fastnesses answers all the current definitions of what the box-office doctor ordered.

Far removed from both the here and the now in subject matter and treatment, composed entirely of film shot by the Johnsons on their several notable expeditions into dark and distant places, it is without question the best of all the wild animal pictures to date and distinctly a departure from the flow of contemporary product.

Titled after Osa Johnson's book, currently on sale and display in the nation's bookstores, the film tells first-handedly of the series of Johnson expeditions, including the one to Borneo that failed and was made again, successfully, years later. In all of these, as the world knows, the camera was favored over the gun, with the result that the pictures brought back abound in rare shots of little-known animals, singly and in mass, caught in their native haunts and activities. As assembled here, in a masterly job of editing credited to Ralph Dixon, these reach high points of dramatic interest on several occasions.

Although the Johnson cameras were not equipped with sound recording apparatus, the scoring of the picture and the narration spoken by Jim Bannon, written by Don Clark and Alfred Duffy, supply the equivalent of dialogue, and add informative explanation. The film is an all-purpose item of merchandise suitable for all ages and classes of audience at all places and times.

Running time 77 minutes. "G."* ROSCOE WILLIAMS.

"South of Pago Pago"

(Small-United Artists)

HOLLYWOOD, July 21.—The South Seas is the locale, greedy white men and lazing natives the chief protagonists, and virgin pearl beds the motivating factor of Edward Small's "South of Pago Pago," produced for United Artists release. It tells the story of an unscrupulous gang, headed by Victor McLaglen, blasting the idyllic existence of a small South Sea island by tricking, then forcing the natives to dive into dangerous depths for giant pearls.

Starred with McLaglen are Jon Hall, as the son of the native chief, and Frances Farmer, as a dance hall lady who exercises her wiles to lure the chief's son away from the island in order that the divers can be forced to break an imposed taboo. Chief among supporting players are Olympe Bradna, Gene Lockhart, Douglas Dumbrille, Francis Ford, Abner Biberman, Ben Weldon, and Pedro De Cordoba.

Among scenes that will be remembered are the thrilling underwater shots and the fight between the white men and the natives who rebel at their brutalities.

After the woman marries the chief's son in a native ceremony and spend their honeymoon, according to custom, on a neighboring isle, McLaglen, who had influenced the woman to get the youth away, forces the natives to dive in dangerous water. The son returns, after his father and other natives are killed, to lead the natives against the white men, killing them all. The woman is killed, in saving her husband's life, and peace returns to the isle.

Alfred E. Green directed from a story and screenplay by George Bruce and Kenneth Gamet.

Running time, 98 minutes. "G."* VANCE KING.

**"G" denotes general classification.*

Mexico Composers Ask Theatre Levy

MEXICO CITY, July 21.—A new tax is in the offing for exhibitors. The national song writers union wants all film houses to pay an annual tax of two cents per seat in royalties. However, as the union only insists that this levy apply when Mexican pictures are screened, it is thought the plan will not greatly affect exhibitors' profits, for Mexican pictures are about the only ones that have music composed by the union's members, and domestic films are few.

Fernando de Fuentes is the new president of the Mexican directors' union. Other officers are Armando Vargas de la Maza, secretary, and Miguel Zacarias, treasurer.

Production of films exclusively for children is the object of a company formed by a syndicate of businessmen of Orizaba, Vera Cruz State industrial center. It is preparing to begin operations about Sept. 15, and is headed by Carlos Sanchez, wealthy tobacco planter. Child players only will be employed.

President Lazaro Cardenas has ordered ratification of the Pan American agreement which exempts educational motion pictures from import and export duties.

Monogram to Make Three Color Films

Monogram will make three pictures in color for 1940-'41, Edward A. Golden, general sales manager, disclosed at an Eastern district regional sales meeting at the Barbizon-Plaza Hotel Friday and Saturday.

The three are: "Gypsy Cavalier," starring Gilbert Roland, and two Golden West productions, "Black Stallion" and "College Sweetheart," from the *Woman's Home Companion* story by Leona Dalrymple.

Golden Reviews Production

Harry H. Thomas, general manager for the company-owned exchanges in New York, Philadelphia and Washington, introduced Golden, who presided at the sessions. Golden reviewed the past year's productions, pointing particularly to the success of the "Renfrew" action stories. Charles Bickford, Irene Rich and Boris Karloff are among the players who will be seen in next season's product.

Approximately 40 representatives of seven exchanges and from the home office discussed the new season's lineup of 26 features and 24 Westerns.

Among those who addressed the two-day sessions were Thomas P. Loach, vice-president and treasurer; Norton V. Ritchey, foreign manager; Louis S. Lifton, director of advertising and publicity; Ben Welansky, president of the Boston and Pittsburgh offices; Steve Broidy, manager of the Boston office; J. J. Felder, New York; Sam Rosen, Philadelphia; William Moses, New York; Harry Brown, Washington; Mark Goldman, Pittsburgh; Harry Berkson, Buffalo; Nathan R. Sodikman, Albany, and Lloyd Lind, New York.

Others Attending

Others present included Richard Perry, Lester Tobias and Sol Kravitz of New York; Samuel Palan, Moe Sherman and W. Z. Porter of Philadelphia; William Liebler and Saul Perliman of Pittsburgh; Harry Crull, Arthur J. Hansen and D. Price of Washington; Jules Chapman, New York; Edward G. Schieber, John S. Harrington and Hugh G. Davis, New York.

A luncheon was held at the hotel on Friday, at which representatives of the trade press were guests. Golden left by plane yesterday for Jacksonville, Fla., where he will address the annual Summer convention of the Southeastern Theatre Owners Association on Tuesday.

Murtha Says Coast IA Setup Unchanged

LOS ANGELES, July 21.—Tom Murtha of New York, chairman of the I.A.T.S.E. committee which is endeavoring to settle jurisdictional disputes among the union's studio locals, yesterday denied that the closing of the International's office here has any bearing on present or future operations of the I. A. in Hollywood.

Murtha said his committee is continuing its study of studio craft and jurisdictional problems and will report its findings to the I. A. executive board.

Tentative Consent Decree Draft Ready

Circuits Can't Overexpand Under Decree

(Continued from page 1)

agree not to pursue a general nationwide policy of expanding theatre holdings.

Any time during this period, however, that a defendant shows it must pursue such a national policy of expansion in order to protect its competitive position in the industry, the defendant can apply to the Federal courts to make this non-aggression pact inoperative.

Under this agreement, the defendants must report to the Department of Justice, on or before the 10th of each month, any changes or altered interest in their theatre operation which have occurred during the preceding month. This information is to be kept inviolate by the Department of Justice, which, however, reserves the right to seek to enjoin any defendant from acquiring or replacing any theatres, if the Department of Justice feels that the public interest so requires. The defendants are free to oppose such an injunction.

This "non-aggression pact" is similar in effect to a standstill agreement which now exists between the companies and the Department of Justice on theatre expansion.

Neely Not Insisting On Original Terms

WASHINGTON, July 21.—Senator Matthew M. Neely of West Virginia, author of the block booking legislation, is understood to be willing to accept any sort of measure the House produces on block booking and will not insist on adoption of the plan in his bill as it passed the Senate last year.

Congress will reconvene tomorrow after a 10-day-recess for the Democratic National Convention, but no action is expected to be taken this week with respect to the Neely booking bill.

Under a "gentlemen's agreement" entered into in both Senate and House before the recess, no legislation of any importance is to be taken up until July 29, and it is probable that the two Houses will meet tomorrow merely to recess for three days, repeating that action on Thursday.

James Roosevelt Leaves for Coast

James Roosevelt left for the Coast over the weekend to start preparations for "Pot o' Gold," his first production for United Artists release. Henry Henigson, production manager for Roosevelt, will leave for the Coast today or tomorrow after supervising the recording of Mrs. Eleanor Roosevelt's prologue to "Pastor Hall," Roosevelt's first release.

Para. Associates Discuss Decree Effect on Theatres

ATLANTIC CITY, July 21.—Changes in affiliated circuit operating methods suggested by current proposals for a consent decree in settlement of the Government's New York anti-trust suit were the principal topic of discussion by Paramount home office officials and theatre operating associates at a weekend meeting at Hotel Haddon Hall here.

Tentative decree proposals for decentralized buying of product in groups of five without a cancellation right were studied by the theatre executives with a view to determining whether such restrictions were feasible or threatened to impose too severe problems on operations. Other consent decree proposals, such as open bidding for product, arbitration and clearance, also came in for study and discussion.

It was indicated at the meeting that numerous recommendations will be made by home office theatre executives to Paramount counsel as a result of the discussions, and these suggestions may be the subject of later negotiations between defense counsel and Government attorneys on the pending decree.

The meeting here was a continuation of the sessions recently held at Old Point Comfort, Va., and in Chicago.

The partners left tonight for New York where they will resume discussions. Meetings will be held tomorrow and Tuesday, at which it is expected all home office officials will participate.

Among those attending the meeting here were: Barney Balaban, Paramount president; Austin C. Keough, Paramount general counsel, and Neil F. Agnew, general sales manager; Leonard Goldenson, Leon Netter and Sam Dembow, home office theatre executives; E. V. Richards, head of Saenger Circuit, New Orleans; R. J. O'Donnell, Interstate Circuit, Dallas; A. H. Blank, Tri-States Circuit, Des Moines; R. B. Wilby and H. F. Kincey of Wilby-Kincey Circuit, Charlotte and Atlanta; E. J. Sparks, All-Florida Circuit, Miami; M. A. Lightman, Malco Theatres, Memphis; Hunter Perry, Paramount-Virginia Theatres, Charlottesville; Julius Gordon, Paramount-Texas Theatres, Beaumont, and Fred Kent.

U. S. to Ask Court For Short Delay Of Trial Today

Government attorneys expect to ask another short postponement of the trial of the New York anti-trust suit at the scheduled hearing before Federal Judge Henry W. Goddard today.

Indications are that a date will be sought which would permit another hearing, if one is required, before Judge Goddard leaves on vacation around Aug. 1.

No meetings on the proposed consent decree were held on Friday as Government attorneys were in Washington to report to and confer with Thurman W. Arnold, assistant U. S. Attorney General, on the progress of the negotiations. The next joint meeting of Government and defense counsel is scheduled for tomorrow, when the settlement negotiations will be resumed.

It is expected that a lengthy postponement of the trial, probably until late September or early October, will be asked before Judge Goddard leaves on his six weeks' to two months' vacation, and that the negotiations will continue throughout most or all of that time.

Pact Would Place Sales Refusals On Distribution

(Continued from page 1)

men, would bring about complete revision of present methods of distribution and theatre operation.

Under the proposal in the present draft, every theatre is designated as a run, and a complaining exhibitor may claim that a distributor is withholding product he needs. If his claim is upheld by an arbitration board, this product may be taken away from the theatre to which a distributor has sold it and be granted to the complaining exhibitor.

The proposal specifies that a distributor shall not refuse to sell pictures to a run if the exhibitor is reputable and responsible and satisfies minimum standards of operation, unless the granting of a run to such an exhibitor will prejudice the distributor's business interests in the particular area where the complainant's theatre is located.

If the distributor is found guilty of doing so, it is provided that the product may be taken away, even after sold to another, and granted to the complaining exhibitor, and that the burden of justifying the sale is upon the distributor.

Goes Back to Stage to Pay for Film

Mexico City, July 21.—The case of a veteran stage actor having to go back to the boards to raise funds to complete his first motion picture is that of Roberto Soto, easily this country's most corpulent actor. Soto was half through the picture when he found himself without funds to continue, although, it was reported, he had obtained a Federal Government subsidy for the film.

The comedian is now heading a revue company at the old Teatro Lirico here, where Lupe Velez got her start.

Escape Clause, Arbitration Still Pending

(Continued from page 1)

forward their suggestions and amendments.

Divorcement has been removed as an issue in the proceedings, apparently, as the draft contains no provision in this regard.

Chain operation, affiliated and otherwise, is left undisturbed. Overexpansion, on a national scale, is forbidden. There is embodied in the draft a specific proposal with respect to the acquisition of and changes in theatres in which the defendant companies are interested.

Arbitration with "teeth" is called for, although no plan of operation or any machinery design for an arbitration system has been embodied in the draft, thus far. It is anticipated that this will be one of the next steps to be taken up by the negotiators, once the present proposals have been thoroughly and definitely agreed upon.

Violation of an arbitration award makes the guilty party subject to a claim for damages.

Blind selling is eliminated.

Trade showings are provided for before pictures are offered for sale. Notice of trade showings must be published in the trade papers.

Block booking is remedied.

Unit sales are provided for. It is proposed to sell pictures in groups of five. The sale of one group shall not be conditioned upon the purchase of another group or any part of it, it is provided.

Local buying is specifically proposed.

Overbuying is prohibited.

Discrimination and preference runs are prohibited.

Forcing of shorts, newsreels, trailers, westerns, serials and foreign-made pictures is outlawed.

Clearance is subject to arbitration.

Exhibitors are granted the right of cancellation of any picture which is offensive on moral, religious or racial grounds.

Initiation Fee for Publicists' Guild

An initiation fee of $1 per month retroactive to Nov. 1, 1939, will be instituted on applicants for membership in the Screen Publicists Guild of New York after Aug. 1. Applicants prior to that date will not be affected.

The Guild will hold a subscription dance at the Hotel Pierre, Aug. 9, the proceeds of which will be used to defray expenses of sending delegates to Hollywood for a meeting with the West Coast publicists' guild, at which a constitution for the joint organization will be adopted.

Forms Band Agency

CINCINNATI, July 21. — General Amusement Corp. has opened a branch office in the Carew Tower here, and will supply name bands and acts. Robert Weems is branch manager.

Loew's Policy High Quality, Says Schenck

(Continued from page 1)

ness with less worthy entertainment."

"M-G-M's position is strong," he said. "Our future productions look most encouraging. We are well abreast of our schedule. Naturally, we must face the future with some flexibility in order to adapt ourselves quickly to any sudden change. Some of our pictures now in production give promise of being the best we have ever made. After all, time and experience bring us ever closer to the public taste.

"Our current season drawing to a close, from the point of view of the merit of the film, is the best we have ever had."

'Boom Town' a Test

Referring to Metro's plans for test runs of "Boom Town" at advanced admissions next month, Schenck said the results of the experiment would determine for the future whether Metro could afford to continue to group outstanding stars in single productions. Starred in "Boom Town" are Clark Gable, Spencer Tracy, Claudette Colbert and Hedy Lamarr.

"The public will tell exhibitors whether it is willing to pay advanced admission prices," Schenck said. "While our sales executives have found out that various theatre managers and circuit heads believe a high admission price should be charged for 'Boom Town,' nevertheless we have decided to conduct a few test experiments in advance of the regular release in order to make certain that the course we recommend to those who have contracted for the picture is the wisest.

"After all, an important question is at stake, which is, whether we can afford to repeat the process of grouping outstanding stars in one picture such as we have done in 'Boom Town.' The results in revenue alone will determine this," Schenck said.

'Boom Town' Openings

Atlantic City, New Orleans, Harrisburg, Reading and Indianapolis have been set for "Boom Town" openings, August 9 and 10. Other dates are being set and will be announced later.

The matinee prices are being increased approximately 25 per cent. The evening prices are being increased approximately 33 1/3 per cent.

Equity Approves One Actors' Union

(Continued from page 1)

months. The council, asserting that it is "in favor" of the one big union plan and will continue to work for its realization, said that it found many of Reis's points "useful and acceptable." The council directed its committee on efficiency and economy to continue its study of the report and to bring in further recommendations.

The regular meeting of the Equity council tomorrow will hear breach of contract charges brought against Miriam Hopkins by Bela Blau, producer.

Hollywood Reviews

"The Sea Hawk"

(Warners)

HOLLYWOOD, July 21.—Long in preparation and production, and freely spoken of around the Warner Brothers plant as the company's most expensive production of the year, this 1940 version of "The Sea Hawk," originally produced in 1924 and down in the exhibition records as one of the top money attractions of that era, is Sixteenth Century sea melodrama on the grand scale enacted by a cast crowded with marquee names. Consensus of a highly expectant preview audience was that it is top box-office material.

Oldsters will recall that the story of "The Sea Hawk" is a stirring account of the pirate-like activities of British seamen who, in 1585, preyed on Spanish sea trade without permission of their queen but in her interest, seeking thus to cripple Spain in the building of the Armada which ultimately attempted to subjugate the "tight little isle." As such it abounds in swashbuckling, fighting in mass and *en solo,* on land and sea, with always the broad ocean background and the tang of the salt wind. The 1940 edition is as much bigger and better than the 1924 edition as the art of the cinema has progressed in the 16 intervening years.

Personnel offered the customers include Errol Flynn, Brenda Marshall, Claude Rains, Donald Crisp, Flora Robson, Alan Hale, Henry Daniell, Una O'Connor, James Stephenson, Gilbert Roland, William Lundigan, Julien Mitchell, Montagu Love, J. M. Kerrigan, David Bruce, Clyde Cook, Fritz Lieber, Francis McDonald, Pedro de Cordoba, Ian Keith, Jack LaRue, Victor Varconi and Robert Warwick, to name only the better known among the hundreds present.

On the off-screen side the film represents the work of executive producer Hal B. Wallis with the pocketbook wide open, Henry Blanke as his associate producer, Michael Curtiz as director and Howard Koch and Seton I. Miller as authors of the screenplay. Notable also is the music score by Erich Wolfgang Korngold, and the camera accomplishments of Sol Polito are among the more memorable eye experiences of the season.

Running time, 127 minutes. "G."* ROSCOE WILLIAMS

"Haunted House"

(Monogram)

HOLLYWOOD, July 21.—Monogram's "Haunted House," starring Jackie Moran and Marcia Mae Jones, is a story of a boy and a girl, anxious to become reporters, solving a murder mystery in a small town. Utilizing familiar devices for creation of suspense and tension, the film tells of their embarrassing mistakes in suspecting the wrong persons, their attempts at convincing their elders that they are on the right track and of their adolescent companionship.

Supporting the pair are Christian Rub, George Cleveland, Henry Hall, Mary Carr, Clarence Wilson, John St. Polis, Jessie Arnold and Henry Roquemore.

Bob McGowan directed from a screenplay by Dorothy Reid, who adapted a story by Jack Leonard and Monty Collins. William Lackey produced.

Running time, 66 minutes. "G."* VANCE KING.

**"G" denotes general classification.*

Ross Federal Holds Summer Convention

DANBURY, Conn., July 21.—The annual summer convention of district managers of Ross Federal Research Corp. was held here this weekend to discuss company policy and plan operations for the 1940-41 motion picture release season.

In attendance at the two-day session were: Harry A. Ross, president; D. A. Ross, general manager; C. B. and R. E. Ross, vice presidents; F. X. Miske, controller; W. J. Shine, director of research; Walter Brown, Midwest manager; Jack Kraker, Eastern manager; Walter Anderson, Southern manager; Ruel Williams, Western manager, and Harold Lund, Central manager.

Albert Martin Buys Two Coast Houses

BURBANK, Cal., July 21.—Albert F. Martin has purchased the Brea Theatre, Brea, Cal., and the La Habra Theatre, La Habra, from Robert E. Gumm, of Brea. He starts operating the houses today.

Martin was formerly with Paramount, for whom he worked for many years in New York, Detroit and San Francisco, on the theatre operating end. For the past seven years he was treasurer of Paramount's subsidiaries in Detroit, leaving for California early last year.

Form Travelcade Film

ALBANY, July 21.—Travelcade Film Corp. has been incorporated here by Robert D. Bloom, S. Harry Eilenberg and Audrey Mandel.

Trade Peace Coming Soon SETOA Told

JACKSONVILLE, July 21.—Historic trade practice problems in exhibition are due to be solved soon, either by a consent decree in settlement of the Government's New York anti-trust suit or other Government action, [illegible] M. Richey, director of exhibitor relations for RKO, told the annual convention of the Southeastern Theatre Owners Association here today.

Richey asserted, however, that in his opinion, the trade practice changes will not be in effect for another year, at least, "even if a consent decree was to be signed tomorrow."

Exhibition practices which he believes will be resolved by Government intervention include: arbitration, clearance, overbuying, right-to-buy, score charges and cancellations. For this reason, he said, the exhibitor convention being held here, for the first time in many years, need not devote its time to discussion of those topics. He urged, instead, that the exhibitors here consider their forthcoming product supply and help to insure its continuance from hard-pressed producer-distributors by cooperating with them in every way.

Richey urged exhibitors to get their new season's product deals over with by September 1, as one cooperating effort, and then to concentrate on getting "every last cent" out of each picture, leaving the producer to go about his task of continuing quality picture making unhampered by internal strife on top of the inescapable problems stemming from lost foreign markets.

Ed Kuykendall, M.P.T.O.A. president, and Edward A. Golden, Monogram general sales managers, will also address the convention, which will continue through Tuesday.

M. C. Moore, president of S.E.T.O.A., is presiding.

Ticket Brokers Sue On Fee Legislation

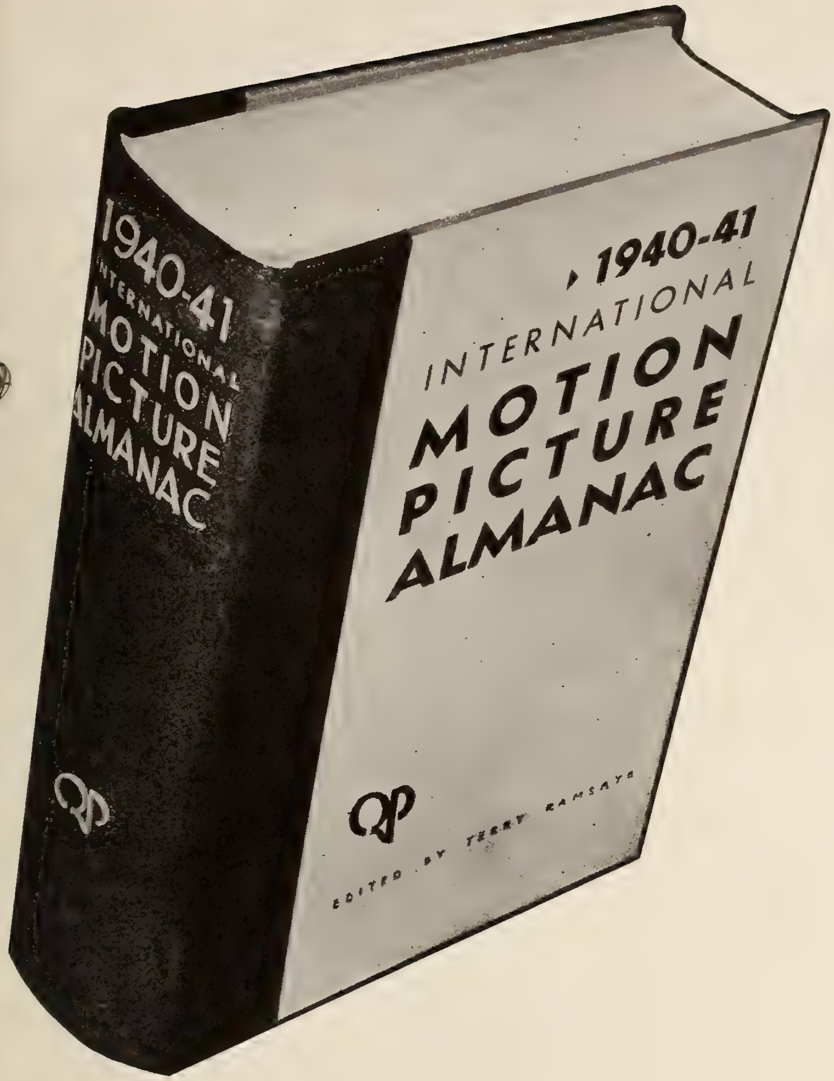
Six Broadway ticket brokers filed suit in N. Y. Supreme court on Friday attacking the validity of the state legislation of last April placing a 75-cent surcharge limit on theatre ticket brokerage fees.

The action, which charges that the legislation is unconstitutional, also questions the validity of rules giving effect to the statute which were promulgated by License Commissioner Paul Moss. Both measures were instigated by the League of New York Theatres and Actors Equity Association after they encountered difficulties in enforcing their own code.

The action served notice that the plaintiffs would apply on July 29 for a temporary injunction restraining enforcement of the regulatory measures from Justice Sidney Bernstein.

Set New Haven Outing

THOMPSONVILLE, Conn., July 21.—Peter Perakos, operator of the Strand here and Palace, New Britain, and Sperry Perakos, new manager of the Strand, will be hosts to the bookers of the New Haven film district Friday for a day's outing on their cabin cruiser.



The new 1940-41 International Motion Picture Almanac will soon be on the press. The forthcoming edition will be bigger and more important than ever before. Included between its covers will be more than 1,200 pages of vital information covering every phase of production, distribution and exhibition. The Who's Who section, an exclusive feature of the Almanac, will contain over 12,000 complete biographies of players, directors, writers, technicians and executives. In addition, it will also include important factual information on radio and television.

No showman should be without the Motion Picture Almanac . . . it is the indisputable reference authority of the industry. Edited by Terry Ramsaye.

As necessary as your telephone, and just as handy!

RESERVE YOUR 1940-41 MOTION PICTURE ALMANAC NOW! **$3.00 THE COPY**

QUIGLEY PUBLICATIONS

ROCKEFELLER CENTER • NEW YORK

QP

F.C.C. Grants Permits for 3 New Stations

WASHINGTON, July 21.—Construction permits for three new broadcasting stations have been granted by the Federal Communications Commission. The new stations will be constructed by the Riverside Broadcasting Co., Riverside, Cal., to operate on 1,420 kilocycles with 250 watts power; Marion Broadcasting Co., Marion, O., 1,500 kilocycles, 250 watts, and the Sentinel Broadcasting Corp., Salina, N. Y., 620 kilocycles, 1,000 watts.

Increases in power were authorized for WFBG, Altoona, Pa., from 100 to 250 watts; WLPM, Suffolk, Va., 100 to 250 watts; WGAN, Portland, Me., 500 to 5,000 watts with change of frequency from 640 to 560 kilocycles; WLAW, Lawrence, Mass., 1,000 to 5,000 watts with extension of time from day to unlimited; WPTF, Raleigh, N. C., 5,000 to 50,000 watts; WJHL, Johnson City, Tenn., 250 to 1,000 watts with change of frequency from 1,200 to 880 kilocycles; WTMJ, Milwaukee, 1,000 to 5,000 watts, and WROL, Knoxville, Tenn., 250 to 500 watts night, 1,000 watts day, with change of frequency from 1,310 to 620 kilocycles.

Extends Compliance Time

The Commission has granted an extension of six months to eight international broadcasting stations attempting to comply with the rule that such transmitters must operate with a minimum power of 50,000 watts.

Two of the stations are already authorized to use 50,000 watts, but are planning to move or make changes; the other stations are WCBX, Wayne, N. J., now using 10,000 watts; KGEI, San Francisco, 20,000 watts; WGEA, Schenectady, N. Y., 25,000 watts; WNBI, Bound Brook, N. J., 35,000 watts; WRCA, Bound Brook, N. J., 35,000 watts, and WRUW, Scituate, Mass., 20,000 watts.

Three other stations, WCAB, Newton Square, Pa., 10,000 watts; WDJM, Miami, Fla., 5,000 watts, and WBOS, Millis, Mass., 10,000 watts, have not yet moved to bring their power to the required minimum, it was said.

New Station Permits Asked

Applications for new stations have been filed by Worcester Broadcasting, Inc., for a 1,200-kilocycle, 250-watt station at Worcester, Mass.; Camden Broadcasting Co. for an 800-kilocycle, 500-watt daytime station at Camden, N. J.; Grenco, Inc., for a 1,420-kilocycle, 100-watt daytime station at Greenwood, S. C.; Rose City Broadcasting Co. for a 1,370-kilocycle, 250-watt station at Tyler, Tex., and Brainerd-Bemidji Broadcasting Co. for a 1,230-kilocycle station at Brainerd, Minn., with 500 watts night, 1,000 watts day.

Set SLRB Hearing

Hearing will be held Wednesday before the State Labor Relations Board on the petition of the United Theatrical and Motion Picture Service Employes Union to be certified as the collective bargaining agency for employes at the Venus, Graham and Radio Theatres, Brooklyn.

Off the Antenna

LUCKY STRIKE, handled by the Lord & Thomas agency, will succeed Canada Dry as the sponsor of the "Information Please" program when the latter sponsor relinquishes, according to official agency circles. The new price is mentioned as $8,000 to $10,000 weekly.

• • •

Fair doings: Events at the World's Fair appropriate for the South American channels will be aired directly from the Fair by CBS starting Wednesday. A studio for CBS exclusively has been set up in the Inter-America Building. The initial program will commemorate Simon Bolivar Day. . . . Meanwhile all the major networks are preparing for the celebration of Broadcasters' Day at both the Golden Gate Exposition in San Francisco and the Fair here August 3. Neville Miller, NAB president, will be chief speaker with Dr. John S. Young, radio and television director at the New York Fair. and R. C. Coleson, radio head at the Coast Fair, as masters of ceremonies.

• • •

Tonight's "Time for Sale" broadcast on WMCA, second in the series will have Benay Venuta as mistress of ceremonies. The shows are for Red Cross war relief. Time is sold to amateurs at $3 a minute . . . Martin Block, conductor of "Make Believe Ballroom," returns to the air tomorrow after a vacation. Musical thanks are in store for Jimmy and Tommy Dorsey, Gene Krupa, Larry Clinton and others who appeared on the program during his absence.

• • •

Purely Personal: *Sterling Fisher, Albert Warner, Alberto Zalamea and Howard Pierce Davis arrived in Havana over the weekend to cover the Inter-American conference for CBS. . . . Henry P. Hayward will handle production of the Westinghouse Musical Americana show, heard over NBC Tuesdays 9 to 9:30 P. M., effective tomorrow. . . . Henry Untermeyer, director of the Phil Cook early morning show over WABC, and first lieutenant in the Field Artillery Reserve, left Saturday to spend his two-week vacation at Pine Camp, N. Y.*

• • •

Mary Cox, school teacher responsible for Wendell Willkie's early education, will be interviewed over the Vox Pop program Thursday 7:30 to 8 P. M. over CBS. The show will emanate from Elwood, Ill., Willkie's birthplace.

• • •

New Programs: *Starting July 27, CBS will present a U. S. Army recruiting program 1:30 to 2 P. M. on Saturdays. The show will comprise music by the U. S. Military Band from West Point and interviews and talks. Ray Perkins, a Reserve major, will be master of ceremonies. Earle McGill will direct. . . . Wythe Williams, news commentator, will be heard in a series of programs over Mutual Tuesdays, Thursdays and Saturdays, 7:30 to 7:45 P. M., starting tomorrow.*

Two Conventions Cost 3 Networks $579,852 Total

The Democratic and Republican National Conventions cost the three major broadcasting networks, NBC, CBS and Mutual, a total of $579,852, it was estimated over the weekend.

The recent Republican meeting cost the three webs $345,660 in the aggregate, according to finally revised figures, while the Democratic session cost them a total of $234,192, according to estimates immediately available.

It was explained that the reason the Democratic meeting cost less than the Republican was that the time of the Democratic daily sessions resulted in many fewer afternoon and early evening cancellations of commercial programs than in the case of the Republican Convention.

The NBC cost on the Democratic conclave was in addition to the television broadcasts of several sessions, done through the use of Pathe Newsreel clips, since the meeting in Chicago was too far from the transmitting station here.

The cost to NBC on the Democratic Convention was $101,192, including $52,267 for loss of revenue due to the cancellation of scheduled commercial programs, $35,425 for the talent on those cancelled programs, which had to be paid, and $13,500 for direct operating cost on the convention, inclusive of engineers' charges, installations and the like. The figure compares with the NBC cost for the Republican meeting of $141,460, including $77,920 for cancelled programs, $51,540 for talent, and $12,000 operating cost.

The CBS cost for the Democratic meeting was $125,000, including $75,000 for cancelled time, $25,000 for talent and $25,000 operating cost. The Republican sessions cost CBS a total of $195,000, including $125,000 for cancelled time, $45,000 for talent, and $25,000 operating cost. It was pointed out that the lower cost for the Democratic Convention also was one day less than the Republican session.

The Mutual cost on the Democratic meeting was $8,000, including $6,000 in lost commercial time and $2,000 in operating cost. For the Republican session the cost was $9,200, including $8,000 in cancelled programs and $1,200 operating cost. The lower operating cost for Mutual on the Democratic meeting resulted because WGN, Chicago, did the pickup for the Mutual network, and no engineers were required from headquarters here.

Mutual's commercial revenue loss was small, it was explained, because many of the clients thus affected will get makeup broadcasts when their contracts expire. NBC and CBS, on the other hand, make straight rebates to clients for such lost commercial time.

Drugs Show 22% Gain In NBC Billings

With a total of $8,171,582, drugs were the heaviest advertiser on NBC in the first half of 1940, according to figures disclosed by the network over the weekend.

This classification forged from [illegible]ond place in the 1939 half-year, [illegible] gain of 22 per cent, and represented fully one-third of the billings total of $24,559,876 for the first six months of this year. It displaced food and food beverages, which was the leader in the first six months last year with $7,855,149. The latter lost nearly 23 per cent and dropped to second place, although showing large increases on CBS and Mutual, as reported in MOTION PICTURE DAILY July 18.

Largest gains were: 617 per cent in travel and hotel expenditures; 506 per cent in shoes and allied goods; 235 per cent in miscellaneous; 105 per cent in confectionery and beverages; 94 per cent in furniture and house furnishings, and 72 per cent in tobacco.

Following is the NBC comparision for the corresponding half-year periods:

Industry	1940	1939
Automotive	$ 499,778	$ 586,368
Building	....	68,406
Tobacco	3,541,898	2,056,047
Clothing	106,566	71,989
Confectionery and Beverages	464,479	225,749
Drug	8,171,582	6,695,427
Financial and Insurance	7,824	....
Foods and Food Beverages	6,075,437	7,855,149
Furniture and House Furnishings	481,213	247,654
Jewelry and Silverware	....	....
Petroleum	980,590	907,699
Petroleum	980,590	907,699
Office Equipment	....	....
Paints and Hardware	171,400	201,926
Radios and Musical Instruments	....	460,823
Schools and Corres. Courses	45,500	....
Shoes and Allied Goods	92,964	15,336
Laundry Soaps and Cleansers	3,501,510	2,894,391
Sporting Goods	....	....
Stationery and Publishers	....	213,688
Travel and Hotels	168,028	23,430
Brewing	....	....
Miscellaneous	251,107	74,855

Mexico Station Sued On Government Fine

MEXICO CITY, July 21.—Collection of a fine of $200 imposed by the Ministry of Communications and Public works because it refused to obey an order to increase the frequency of its station from 810 to 910 kilocycles is being fought. An injunction suit has been filed in district court here by the Compania Industrial Universal de Mexico, S.A., owner and operator of Station XENT, 15 miles south of Laredo, Tex.

The Ministry ordered higher frequency for this station to assure better broadcasts. The operators assert that 910 kilocycles is too high a frequency for the station.

WKAT Joins NBC Net

MIAMI, July 21.—WKAT has joined the NBC Blue network. WIOD, which formerly alternated between NBC Red and Blue, now will be exclusively on the Red. WKAT previously had no network affiliation and was strictly local.

DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 16 NEW YORK, U. S. A., TUESDAY, JULY 23, 1940 TEN CENTS

Tax Revenue In Year Up to $21,887,916

Gains $2,417,117 Over Previous Year

WASHINGTON, July 22.—Federal admission tax collections for the fiscal year ended June 30, last, totaled $21,887,916, an increase of $2,417,114 over the $19,470,802 collected in 1939, it was reported tonight by the Internal Revenue Bureau.

The bureau's report, however, indicated that approximately 80 per cent of the gain was recorded during the first half of the current calendar year, during which $11,167,832 was collected compared with $9,155,228 in the corresponding period of 1939, an increase of $2,012,504.

Collections in June declined for the third successive month, dropping to $1,645,603 from $1,791,096 in May, but

(*Continued on page 6*)

'Ramparts' Opens In Capital Tonight

WASHINGTON, D. C., July 22.—World premiere of "The Ramparts We Watch" will be held at RKO Keith's here tomorrow evening with a large representation of official Washington in attendance.

Among those expected are: Secretary of War Frank Knox, Rear Admiral A. W. Johnson; Senator Carter Glass; Mrs. Woodrow Wilson, General John Pershing, General Hugh Johnson, Boake Carter, Walter Lippman and Mark Sullivan, Ned E. Depinet, vice-president of RKO; A. W. Smith, general sales manager; Roy Larsen, Louis de Rochemont, William Geer and Al Sindlinger of March of Time.

A press reception will be held at the Carlton Hotel following the premiere.

Coast Flashes

HOLLYWOOD, July 22.—George L. Bagnall, Paramount vice-president and executive studio manager, resigned today after five years with the company. He will vacation in Canada with his family before announcing future plans.

•

Monogram today extended the contract of Tex Ritter, Western star, for the new season. The deal calls for seven instead of eight films with the same budget as last year.

Evacuation Is Set For W.B. Children

London, July 22. — Max Milder, head of British activities for Warners, already has arranged for the evacuation of 44 children of Warner employes here to the United States it was disclosed today. They will be guests of the American company.

Hollywood, July 22.—About 60 children of English players will be brought to this country soon, according to May Whitty, chairman of the British Actors' Orphanage Fund Committee.

Du Mont, CBS Get Television Permits

WASHINGTON, July 22.—The FCC has granted permission for establishment of new television stations in New York and Washington by the Allan B. DuMont Laboratories. DuMont is an affiliate of Paramount Pictures. Applications by DuMont and CBS to begin television broadcasting from their New York and Passaic stations were also approved.

The DuMont station in New York will use No. 4 channel of 74,000 to 84,000 kilocycles with one kilowatt power for aural and visual transmission. The new Washington station will operate on the new television channel No. 1 with 50,000 to 56,000 kilocycles and one kilowatt power.

The CBS station in New York, W2XAB, has been allotted channel No. 2 of 60,000 to 66,000 kilocycles with seven and one-half kilowatt power. The present station of DuMont at Passaic will increase its power to five kilowatts and will use channel No. 4.

BOX-OFFICE SLUMPS AS MERCURY SOARS

U. S. to Keep Eye on Films: Kuykendall

JACKSONVILLE, Fla., July 22.—The film industry is going to receive more attention from Washington than it has in the past, and if it does not put its house in order, the Government will, Ed Kuykendall, president of the M.P.T.O.A. told the annual convention of the Southeastern Theatre Owners Association here today.

Kuykendall declared that the Neely bill "is as dead as a doornail." He said, however, that the House Interstate Commerce Committee, which has been considering the measure, is convinced of the need for radical

(*Continued on page 6*)

Gillette Purchases Series for $100,000

For the second consecutive year, Gillette Safety Razor Co. has purchased the World's Series radio rights for $100,000 and will sponsor the broadcasts over Mutual. An option for 1941 also was taken.

More than 150 stations here, in Canada and Hawaii, in addition to short wave channels, will be linked in the broadcasts. The deal was closed in Chicago by Judge Kenesaw M. Landis, baseball's high commissioner; Fred Weber, general manager of Mutual, and J. P. Sprang, Jr., president of Gillette.

"The Great McGinty"

[Paramount]

HOLLYWOOD, July 22.—You Ladies and Gentlemen of Show Business who have been asking the studios for something new, different and exciting in the way of a motion picture to attract the strays back from the beaches and wherever else they've been drifting can draw a circle around Aug. 23 on your calendar because this is it and that's the release date.

Press-agented in advance as a "sleeper" and unveiled to the Hollywood press with a showmanly flourish, the picture turned out to be the liveliest, freshest and different-est picture of the month. It's a slam-bang, rough-and-ready, brainy-brawny comedy concerning crooked politics as expertly practiced in a great American metropolis and it presents

(*Continued on page 6*)

'Heaven' Beats the Heat; Music Hall Will Hold Film Fourth Week

As the temperature soared to record and near-record heights in virtually every major city of the country over the weekend and with little relief in sight yesterday, the box-offices of the nation went into a decline.

Despite the heat, the Music Hall will hold "All This, and Heaven Too" for a fourth week, making it the third film in the history of the house to play longer than three weeks. "Snow White and the Seven Dwarfs" was held for five weeks, and "Rebecca" stayed for six weeks. "All This, and Heaven Too" for the first four days of the current third week, drew an estimated $49,000.

New York was no exception to the heat wave. It began here on Friday and showed no signs of relenting last night. Broadway and Times Square on Sunday was as deserted as a country village main street on a Sunday afternoon, and the people who were not on the street were not in Broad-

(*Continued on page 6*)

Adjourn Trust Trial to Oct. 7

Trial of the Government's New York anti-trust suit was adjourned to Oct. 7 by Federal Judge Henry W. Goddard yesterday at the request of J. Stephen Doyle, special assistant to the Attorney General.

While the lengthy adjournment was requested largely because Judge Goddard will begin a two months' vacation at his Connecticut farm at the end of the week, Judge Goddard stated that he "would be available" to the negotiators during that time if they needed him.

Settlement negotiations will be resumed today with the return from Washington of Paul Williams and James Hayes, Government attorneys. Defense lawyers held a meeting yesterday to discuss further their proposal for an escape clause.

RKO Reopens Loop Palace On August 1

Chicago, July 22.—RKO will reopen the Palace as its local first run on Aug. 1. A single feature policy and the same price scale, will be resumed, plus the new Federal admission tax. The house was closed for a 10-week period and originally had been scheduled to reopen July 26.

During its closing, a temporary product deal was made for RKO first runs with the Oriental. When Jones, Linick & Schaefer reduced the admission price from 65 cents to 40 cents two weeks ago, RKO cancelled the contract.

Deny Nick, Weston Motions in St. Louis

St. Louis, July 22.—Federal Judge Caskie Collet has overruled four motions filed on behalf of John P. Nick and two on behalf of Clyde A. Weston, jointly charged with violating the anti-racketeering and anti-trust statutes. The defense attacked the indictments as being unconstitutional, but these were disposed of by the court without comment.

Judge Collett also refused to grant a severance of the defendants and the Government was victorious when the court also ruled it need not make public its witnesses until the trial starts. The court, at its own motion, reset the case, scheduled to begin on Aug. 5, to Sept. 9.

Columbia Dividend

Directors of Columbia Pictures Corp. yesterday declared a regular quarterly dividend of 68¾ cents per share on the company's $2.75 convertible preferred stock. The dividend is payable Aug. 15 to stockholders of record Aug. 1.

Markey's Father Dies

Los Angeles, July 22.—Col. Eugene L. Markey, father of Gene Markey, died of pneumonia at Hollywood Hospital on Sunday at the age of 78. Burial was at Calvary Cemetery here today.

Personal Mention

William F. Rodgers, M-G-M general sales manager, will return to New York today from a Western business trip.

•

Walter Wanger left for the Coast over the weekend.

•

Kenneth Clark of the M.P.P.D.A. will arrive from a vacation in Mexico on the *S.S. Mexico* today.

•

Henry Henigson, production head for James Roosevelt, left for the Coast yesterday. Roosevelt postponed his departure for a few days.

•

Will Whitmore, advertising supervisor of Erpi, is at his home after two weeks in the hospital with an eye infection. He may return to his desk next week.

•

Natalie Rose Burnstein, daughter of Leo Burnstein, former exhibitor in Springfield, Ill., shortly will wed Arthur Koratsky, St. Louis attorney.

•

Daniel M. Houlihan, head 20th Century-Fox booker in Albany, is vacationing. Wayne Carnigan, shipper in the same office, has just returned from his vacation.

•

Fred McConnell, James Roosevelt, Sam Shain, Harry Arthur, Jeffrey Bernerd, Harry Buckley and Harry Kosiner lunching at the Tavern yesterday.

•

Adolph Zukor, Barney Balaban, Laudy Lawrence, Sidney Phillips, Al Lewis, Ed Wynn and John Golden at Sardi's yesterday for lunch.

•

Bernard Evans is covering Kansas City, Omaha, Des Moines, St. Louis and Memphis as United Artists' exploiteer, with headquarters in St. Louis, succeeding W. P. Bernfield.

•

John Mangan has been shifted from service chief at the Stanley, Chester, Pa., to assistant at the Astor, Reading, Pa.

W. G. Van Schmus, managing director of the Music Hall, is progressing rapidly in his recovery from a recent operation at St. Luke's Hospital.

•

Joseph Springer, general manager of Century Circuit, left over the weekend for a two-week vacation at Huguenot Inn, Port Jervis.

•

L. J. Schlaifer, Harry Mandel, James Mulvey, Jack Goetz and J. J. Milstein lunching at Lindy's (51st St.) yesterday.

•

Johnnie Walker, Eugene Picker, Marvin Schenck, Abe Montague, Lou Weinberg and Rube Jackter lunching at Lindy's (next to the Rivoli) yesterday.

•

J. J. Unger, Max A. Cohen, Ted O'Shea, John W. Hicks, Jr., Ed Saunders, Tom Connors and Russell Holman at Nick's Hunting Room in the Astor for lunch yesterday.

•

Annabella (Mrs. Tyrone Power) is convalescing at Mount Sinai Hospital here following an operation.

•

Joseph Bergin, manager of the Stanley, Chester, Pa., Ed Bergin, of the Center, Philadelphia, their mother, and George Kemble, manager of the Orient, Chester, have returned from a motor trip to Yellowstone Park.

•

Frank Orsatti is back at his office, having recovered from a cold.

•

George Welbaum has returned from a vacation in Dallas.

•

Michael Christie, projectionist at the Plymouth, St. Louis, is celebrating his 25th wedding anniversary.

Action Delayed on Cuba Booking Law

No action on Cuba's recently enacted anti-block booking law has been taken yet on behalf of the industry due to the unsettled political situation in the island republic.

Arthur Pratchett, recently designated industry spokesman in the industry's effort to obtain relief from the stringent measure, is now in Panama, from where he will go to Cuba when the political situation there is clarified. He is Central American manager for Paramount.

Meanwhile, the law does not affect existing contracts which have several months yet to run.

Wallack Rites Today

Funeral services for Arthur J. Wallack, 91, last survivor of the founders of the Lambs and son of the late Lester Wallack, will be held this afternoon at the Church of the Transfigruation on 29th Street. Wallack died Sunday at his home in Stapleton, S. I.

Comerford Employe Dies

Scranton, July 22.—Kate Luxemburger, for more than 25 years with the Comerford Theatres here, was buried here today. She died Friday after an illness of more than a year.

How did she ever marry off five daughters without a cent of dowry?

There's fun in

PRIDE AND PREJUDICE

(M-G-M hit starring **GREER GARSON & LAURENCE OLIVIER**)

Coming Soon!

Still a Bachelor

Philadelphia, July 22.—Robert Kessler again will stage the annual baby parade in front of the Benn Theatre, Warner neighborhood house he manages, on Aug. 21. He instituted the parade feature six years ago, but through all these years, has still managed to remain a bachelor.

Federal Canadian Censorship Looms

Toronto, July 22.—What appears to be a step toward Federal film censorship in Canada has been taken in the creation of a central censorship committee which is made up of the chairman of each censor board in the respective Provincial Governments. The central bureau, under the guidance of the Federal Government, is seeking unification of censorship views, particularly with respect to propaganda films.

The Provincial Boards remain in control within their respective jurisdictions but it is felt that a form of monopoly may be in the offing similar to the government control which has now been effected over radio newscasting.

Set High Ad Budget On 'Correspondent'

The new Walter Wanger-United Artists film, "Foreign Correspondent" will receive an augmented newspaper advertising campaign to cost upward of $40,000. This will be only a part of the national campaign on the film. In addition to the regular campaigns, 112 newspapers in 100 key cities will carry a series of two-color ads on their amusement pages.

90% English Houses Under Labor Deals

London, July 22.—At the annual conference of the National Association of Theatrical and Kine Employes today, R. Finnigan, president, reported that 90 per cent of British trading areas are now covered by the joint labor conditions agreement. He made a plea for a national agreement.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4. Golden Square, London W1, Hope Williams. manager, cable address "Quigpubco, London."

All contents coprighted 1940 by Quigley Publishing Company, Inc.

Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"ALL THIS, AND HEAVEN TOO"

4th WEEK Radio City

ONLY 2 OTHER PICTURES IN THE 8-YEAR HISTORY OF THE MUSIC HALL HAVE STAYED OVER THREE WEEKS!

Wonderful Warners!

BETTE DAVIS and CHARLES BOYER in 'ALL THIS, AND HEAVEN TOO'
By Rachel Field with JEFFREY LYNN • BARBARA O'NEIL • Virginia Weidler • Henry Daniell • Walter Hampden • George Coulouris • An ANATOLE LITVAK production
Screen Play by Casey Robinson • Music by Max Steiner • A Warner Bros.-First National Picture

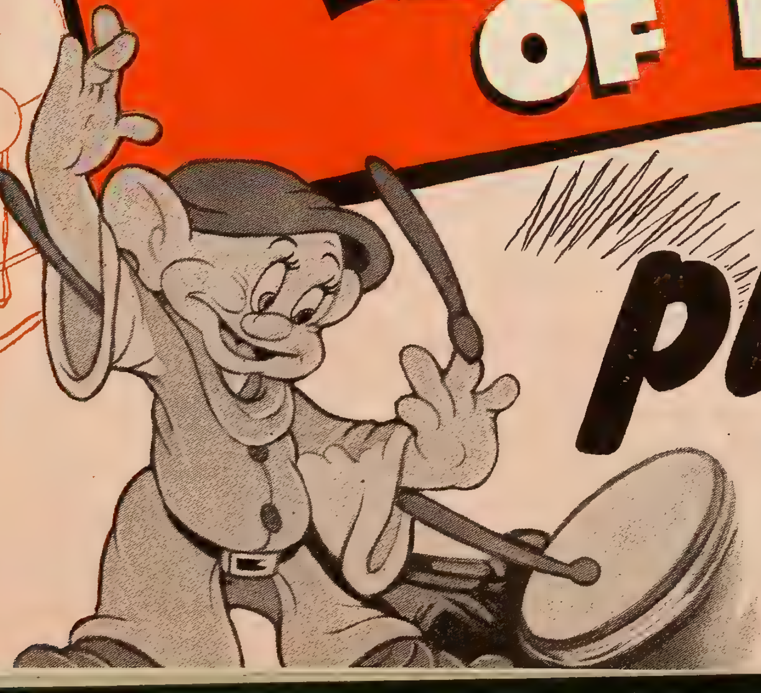
READY! NOW! FO

The big-money show package of the year!... Playing to 202% to 268% of normal business in all test situations to date! The greatest pictures Disney ever made . . . *COMBINED!* . . . in one big feast of glorious entertainment! . . .

Special Advertising and Accessories!

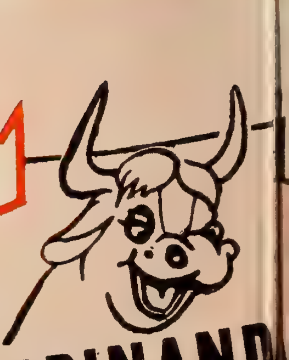
GRAB IT—QUICK!

The Great WALT DISNEY FESTIVAL OF HITS!

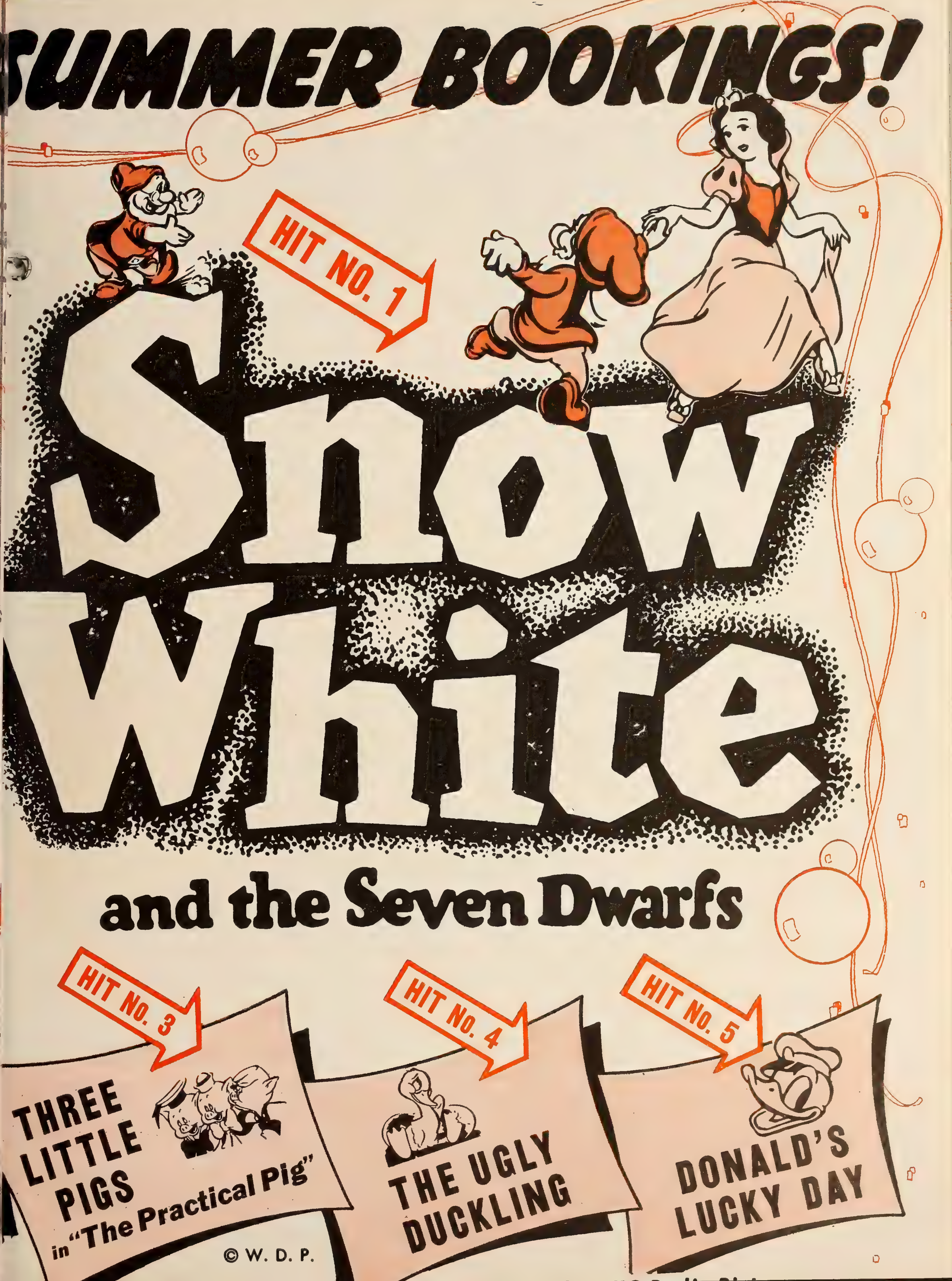


plus

HIT No. 2



FERDINAND
THE BULL



SUMMER BOOKINGS!

HIT NO. 1

Snow White

and the Seven Dwarfs

HIT NO. 3

THREE LITTLE PIGS
in "The Practical Pig"

HIT NO. 4

THE UGLY DUCKLING

HIT NO. 5

DONALD'S LUCKY DAY

© W. D. P.

Box-Offices of Nation Blasted By Heat Wave

(Continued from page 1)

way's theatres either. They were packing Coney Island, Jones Beach, the Rockaways and similar allegedly cool places, which had attendances of record proportions.

The same was true of many of the country's largest cities, as indicated by the following Sunday temperature reports across the country: Minneapolis, Cincinnati and Philadelphia had readings of 97; Washington, 96; Columbus and Detroit, 94; Cleveland and Chicago, 93; Kansas City and Indianapolis, 91. New York's 89 to 90 degree temperature was accompanied by sufficient humidity to add measurably to the general discomfort.

At the Paramount, the third week of "The Ghost Breakers," which will end tonight, with Orrin Tucker's band and Bonnie Baker on the stage, is expected to draw an estimated $32,500. "Untamed" will go in tomorrow, accompanied by Ethel Waters and Louis Armstrong on the stage.

The three days of the second week of "My Love Came Back" at the Strand accounted for an estimated $13,000, with Rudy Vallee and his Connecticut Yankees featured in the stage show. The bill will be succeeded Friday by "They Drive by Night," with Will Osborne and his orchestra heading the stage program.

Para. Associates Talk Decree Here

Paramount theatres associates are contining in New York their informal discussions of the probable effects of the proposed Federal consent decree on circuit operations. The discussions were begun in Atlantic City on Friday and will continue here through today.

Those participating in the talks include R. J. O'Donnell, A. H. Blank, M. A. Lightman, R. B. Wilby, Julius Gordon, Leonard Goldenson, Leon Netter and Sam Dembow, E. V. Richards and E. J. Sparks remained in Atlantic City but are expected here in a day or two.

Purpose of the discussions is to determine the probable effects of the decree on operations and make recommendations to company counsel for consideration in future settlement negotiations with Government attorneys.

McKinnon Heading Canada Film Board

Toronto, July 22.—J. A. McKinnon, recently made Minister of Trade and Commerce in the Dominion Cabinet, has become chairman of the National Film Board in succession to W. D. Euler, who brought about the organization of the board in Canada. Euler, who conferred with John Grierson of London several times regarding the establishment of the office, has retired but Grierson continues to hold the position of National Film Commissioner.

The Film Board's latest picture, "Atlantic Patrol," is now being released in Australia where it will be shown in 800 theatres, it is announced.

"The Great McGinty"

[Paramount]

(Continued from page 1)

a stirring treatment of its subject matter without preaching about it or drawing conclusions. Stimulating is the top word for it.

Written, directed (and practically everything else) by Preston Sturges, the film opens in a barroom in a banana republic where the bartender starts telling a would-be suicide of his own descent from the governorship of a great state, then flashes back to the story of how he rose to that eminence by forthrightly dishonest means and with the backing of a bluntly corrupt political boss.

Brian Donlevy plays the governor-bartender, Akim Tamiroff the boss, and if there's been a pair of performances so evenly matched and correctly executed in a single picture this Summer, nobody in this town can name it. Allyn Joslyn, William Demarest, Louis Jean Heydt, Harry Rosenthal, Arthur Hoyt, Libby Taylor and Frank Moran are among the male actors colorfully present, Muriel Angelus and Steffi Duna handling the feminine assignments as ably.

Politics and what makes politics tick are, of course, topics close to audience consciousness at this time and from now to November. The politics dealt with here are of city and state, street names and dialogue references being of a sort to indicate that the place could but needn't necessarily be Chicago, and these politics are seen from the inside, neither glorified nor denounced but offered simply as story material, a rare point of view and a skillful treatment. It is as a comedy, however, that the picture chiefly commands audience attention, and a most unusual, powerful, swift and entertaining comedy it is.

Running time, 80 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

Hollywood Review

"Girl from God's Country"

(Republic)

Hollywood, July 22.—Expensively mounted and showing much of Alaska's beautiful scenery, Republic's "Girl from God's Country" is the first film to make use of euthanasia as part of a screen plot. It tells the story of a detective from the United States, pursuing a young physician, wanted on a murder charge, to the Alaskan wilds where the doctor has set up a practice, and recognizing him because of the similarity between the death of his father, of which he is suspected, and that of one of the patients.

When the detective attempts to take the physician back to civilization he is stricken with snow blindness, but the doctor saves him. Cured, the detective forgets about the murder warrant. The doctor explains that he fled the States in order to keep his father's name clear of the stigma of suicide. He attempts, however, to justify his placing of a bottle of pain-easing medicine beside the bed of a patient suffering from gangrene and telling him that if he takes too much of it, he will die.

Chester Morris, as the doctor, plays one of his best roles; Jane Wyatt, as a nurse from the States, comes from retirement entered into after her role in "Lost Horizon," and Charles Bickford plays the role of the detective.

Sidney Salkow, in directing the screenplay by Elizabeth Meehan and Robert Lee Johnson, imparted a well rounded tone of entertainment to the offering, one of the better pictures to come from Republic. Malcolm Stuart Boylan contributed dialogue to the script, adapted from an original story by Ray Millholland. Armand Schaefer was the producer.

Running time, 74 minutes. "G."* VANCE KING

**"G" denotes general classification.*

Gets 'Hall' in Canada

Toronto, July 22.—President A. J. Laurie of Esquire Films, Ltd., here, has obtained the Canadian rights for the British feature, "Pastor Hall," dealing with the life of the German religious leader, Niemoeller, the American distribution of which is being handled by James Roosevelt-United Artists.

Coast Hearing Delayed

Hollywood, July 22.—Hearing to determine whether the Scenic Arts Association or Painters Local 644 shall be collective bargaining agency for scenic artists was today postponed to July 31 by A. Bruce Hunt, N.L.R.B. trial examiner.

Tax Revenue In Year Up to $21,887,916

(Continued from page 1)

continued ahead of last year, when $1,491,260 was collected in the corresponding month, the bureau announced.

Contrary to the experience nationally, tax collections in the Third N[illegible] York (Broadway) District increas[illegible] over May, totaling $521,904 against $511,700, and were well ahead of the $457,258 reported for June, 1938, the bureau announced.

Box-office collections increased from $453,983 in May to $466,371 last month, it was stated. Increases also were shown on tickets sold by brokers, from $10,444 to $14,193, and on permanent use or lease of boxes and seats, from 64 cents to $19.56, but losses were registered on free or reduced rate admissions, from $6,532 to $3,599; tickets sold by proprietors in excess of the established price from $211 to $135, and admissions to roof gardens and cabarets, from $40,530 to $37,587.

June was the last month in which taxes were based on the 40-cent exemption.

Collections ran ahead of those of the preceding fiscal year in nine of the 12 months ended with June, according to bureau records which show monthly collections as follows:

	1940	1939
July	$1,534,249	$1,618,813
August	1,513,468	1,425,062
September	1,852,256	1,668,827
October	1,727,931	1,596,367
November	2,117,644	1,985,127
December	1,974,534	2,020,376
January	1,486,534	1,564,134
February	1,852,763	1,503,127
March	2,390,931	1,606,996
April	2,000,902	1,384,721
May	1,791,095	1,605,987
June	1,645,603	1,491,260

U. S. to Eye Films, Says Kuykendall

(Continued from page 1)

changes in the industry's business methods.

"The salvation of the business depends on national cooperative effort rather than individual brickbat throwing, such as seems to prevail at present," the M.P.T.O.A. president said. "I say to you sincerely that unless we, as an industry, give some thought to cooperative activities among ourselves and cease trying to squeeze the life out of the so-called smaller percentage theatre owners, we are heading for chaotic conditions that will take us back to the nickelodeon days."

J. L. Cartwright, public relations director for the Sparks circuit, spoke on the importance of goodwill in the community. He urged the exhibitors to take an active part in civic affairs.

Others who spoke briefly were Mrs. Alonzo Richardson of the Better Films Council, Atlanta; Willis Davis, in charge of public relations for the Lucas and Jenkins circuit, and John Alsop, former mayor of Jacksonville.

Exhibitors from four Southeastern states are attending the convention, which will wind up tomorrow. M. C. Moore, president of the SETOA, is presiding. E. J. Sparks and his managers are hosts of the entertainment.

Hollywood Review

"Blondie Has Servant Trouble"

(Columbia)

HOLLYWOOD, July 22.—Dipping deeply into the "haunted house" reservoir of comedy resources, reliable since the "Over the River Charlie" of medicine show days, this sixth release in the "Blondie" series hits a new high in entertainment value. It had a midweek audience at the Pantages Theatre in Hollywood between chuckles and guffaws for practically its entire screen time.

The story by Albert Duffy, prepared for the screen by Richard Flournoy, has "Blondie" desirous of employing a maid at a time when "Dagwood's" employer asks him to take his family to a country place which must be tenanted during settlement of an estate. They arrive to find the place staffed by a butler and his wife, stay on through a stirring night to discover that the butler is a somewhat murderous maniac and former magician, a combination of qualifications which accounts for many mysterious and thrilling incidents.

They are made most amusing as worked out in successive situations and played by Arthur Lake, Penny Singleton, Larry Simms, Danny Mummert, Jonathan Hale, Arthur Hohl, Esther Dale, Irving Bacon and others under the smooth direction of Frank R. Strayer.

Running time, 66 minutes. "G."* ROSCOE WILLIAMS

"G" denotes general classification.

Fly to Attend Meeting Here On Standards

WASHINGTON, July 22.—James L. Fly, chairman of the Federal Communications Commission, disclosed today that he will attend the organization meeting of the Radio Manufacturers Association-radio industry national television systems committee in New York July 31. He will then attend the National Association of Broadcasters annual convention Aug. 4 in San Francisco.

Fly will be accompanied to New York by E. K. Jett, FCC chief engineer. He explained that his presence at the meeting is to emphasize the FCC's cooperation in the effort to develop television standards, and said, "We feel sure we have a good setup there, with everybody in a frame of mind determined to go ahead and do the job."

While on the Coast, the FCC executive will meet with a number of broadcasting and television leaders, and plans to discuss developments with Don Lee, De Forest and other television organizations. He will also participate Aug. 3 in the salute to the radio industry from the two world's fairs, speaking briefly from the exposition at San Francisco.

Mexico Station Gets Election Day Beating

Mexico City, July 22.—Radio Station XEFO here was so badly damaged by rioting attending the recent presidential elections that it was put out of commission for several days. Artists and technicians who attempted to stand their ground during the disturbance were chased out of the building under threats of death.

Mutual Suspension By Nazis Continues

Mutual broadcasts from Germany and German-controlled areas in Europe were still suspended yesterday in reprisal for the action of the Mutual-Don Lee network of 31 stations which cut off Hitler's speech on Friday. The network is awaiting a reply from Dr. Otto Dietrich, Nazi press chief, to whom a cable explaining the situation was sent.

Red Cross Drive Mapped in Seattle

SEATTLE, July 22.—Theatrical interests of this region have united to organize their part in the state drive in the $10,000,000 national American Red Cross war relief drive.

Theatre owners, operators and exchanges were called together by Frank L. Newman, Sr., and the following committee heads were chosen to plan the local campaign:

John Hamrick for the circuit theatres; Leroy V. Johnson for the independent theatre owners; L. J. McGinley for the film exchanges; B. F. Shearer for the theatre equipment companies; Jack Flannery for the screen service groups, and Basil Gray for the theatre unions. This group will report their campaign plans at a meeting to be called shortly.

Expect New English Tax in Budget Today

LONDON, July 22.—It is expected here that the emergency budget, to be introduced by the Chancellor of Exchequer tomorrow, will include a new theatre admission tax on a graduated scale, as reported in MOTION PICTURE DAILY last week. The schedule has already been presented by the Cinematograph Exhibitors Association.

There is still a slight hope that the most inexpensive seats will be exempt, but it is believed inevitable that there will be a duty on six-penny tickets.

Tough Kid Racketeers of the Slums Tangle With A Spook In A Deserted Graveyard... and Get The Shivers!

MONOGRAM PICTURES PRESENTS
THE EAST SIDE KIDS IN
"BOYS OF THE CITY"
WITH
Bobby JORDAN
Leo GORCEY

PRODUCED BY
SAM KATZMAN
Directed by JOSEPH H. LEWIS
Original Story and Screenplay by
WILLIAM LIVELY
A FOUR-BELL Production

"Impresses as being a burlesque of 'Rebecca' or 'The Ghost Breakers.' Lots of laughs and more than the usual serving of suspense." —*Exhibitor*

"Members of the screen's mischievous juvenile set provide ample cause for laughs." —*Motion Picture Daily*

"Action-full meller has lots of laughs, should go over with audiences." —*Film Daily*

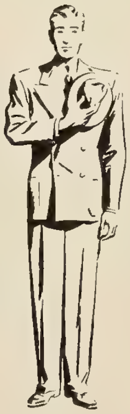
A great and inspiring American experience begins tonight

TONIGHT at 8:30, Washington sits down at the World Première of "The Ramparts We Watch."

We predict that at 10:30 o'clock, as the picture ends and the theater lights go up, there will be tears in the eyes of many a hard-bitten Congressman, a surge of pride through the veins of many a seasoned, unsentimental official, and a renewal of faith in the future of America in the heart of *every* person there.

It is a picture such as motion picture audiences have never seen before—an absorbing record of the fateful years that began in 1914—a gripping story of the great figures on the world stage, and of ordinary American people like yourself and all of us. It ends by making clear to us what has gone before, and so enables us to see more truly what lies ahead.

To see "The Ramparts We Watch" is a memorable and inspiring motion-picture experience.



"THE Ramparts We Watch"

A NEW KIND OF MOVIE . . . FIRST FEATURE PICTURE PRODUCED BY THE MARCH OF TIME

World Première Tonight

RKO KEITH'S

Washington, D. C.

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 17 NEW YORK, U. S. A., WEDNESDAY, JULY 24, 1940 TEN CENTS

Para. Partners Oppose Consent Decree Draft

Seen as Incipient Revolt by Theatres Against Asserted 'Distributors' Decree'; Object to Regulation by Courts

Paramount's partners, who operate approximately 1,250 of the principal theatres of the country, have rejected several of the proposals embodied in the tentative draft for a consent decree in the New York anti-trust suit. Their objections to the decree were presented to the distributors yesterday morning and to other theatremen yesterday afternoon. The afternoon session was held in Joseph Bernhard's office at the Warner Brothers' home office. Other theatremen were non-committal. Sources close to Paramount, however, interpreted the partners' action as the beginning of a revolt among theatremen generally to the pact, on the basis that it is a "distributors' decree". The partners also object to "regulation of the industry by the courts".

Specific provisions to which the parners object strongly are:

(a) Unit selling in blocks of five.

(b) Designation of every theatre as a run and permitting one theatre to deprive another of product.

Other provisions which they desire to have altered and amended relate to local buying, arbitration, circuit expansion, trade showings and the escape clause. The escape clause has not been inserted into the pact as yet.

Distributor spokesmen yesterday expressed the hope that the partners' stand did not mean ultimate rejection of the draft by them, and pointed out that distributors themselves are not fully satisfied with some of the provisions to which the theatremen object. A reconciliation of the differences is looked for by the distributors, they said, and they are hopeful that a consent decree will eventuate.

These mixed opinions and differences will come up today before the

(Continued on page 4)

Warners Plan Trade Shows On 'Sea Hawk'

Exhibitors to Determine Change in Policy

Warner Bros. has announced that it will hold trade showings of "The Sea Hawk," which stars Errol Flynn, in 37 key centers in the United States and Canada, not only to provide an opportunity to exhibitors to see the films before booking it but to permit them to determine for themselves any changes in policy or increases in admission scales the picture may deserve.

As in the case of "All This, and Heaven Too," which is now in its third week and will play a fourth at the Radio City Music Hall, Warner Bros. is asking no change in terms for "The Sea Hawk." The picture will go to exhibitors on the terms at which it has been sold. The trade showings are scheduled three or four weeks before the national release, which is set for Aug. 30.

The picture is described in the company's own announcements as one of its costliest of the present season as well as one of its most outstanding productions. These trade showings and open discussions are arranged for the purpose of enlisting the fullest possible exhibitor cooperation in an effort to obtain the greatest possible revenue for all concerned. The film is said to have cost $1,700,000.

The trade showings will be held

(Continued on page 4)

Equity Demands Red Charge Airing

Actors Equity will ask an immediate hearing on the recent charges of Rep. W. P. Lambertson of Kansas that it is dominated by Communists. The Equity council, meeting yesterday, decided to ask the Congressman to use his influence to obtain a hearing before the Dies committee or another Federal agency. It has been reported that the Dies committee may meet in New York within the next few days.

The League of New York Theatres yesterday submitted a request for a one-year extension of the present ticket code and the basic agreement with Equity.

Gee! Ice Cream!

KANSAS CITY, July 23.—Three features, a cartoon, a serial and a double-dip ice cream cone for all patrons is the program Arthur Burke of the Colonial dished up on a recent Sunday—and all for a dime.

NBC Rejects Ascap Terms

NBC has "definitely decided" it cannot accept Ascap's new contract terms, Niles Trammell, newly elected president of the network, states in a letter written to all advertisers and agencies whose programs are broadcast over the NBC Red and Blue.

The letter was made public yesterday by the National Association of Broadcasters in Washington. In it, Trammell recommends that all music and signatures now in use be checked to make sure that all Ascap music is eliminated from NBC programs by Jan. 1, 1941, when current Ascap contracts will expire.

"Ascap has offered to renew our

(Continued on page 4)

N. Y. Theatres Get Some Heat Relief

While New Yorkers yesterday, for the first time in five or six days, were able to take a breath without frying their palates, and the Broadway box-office felt a bit more like its normal self again, most of the theatres in the rest of the country either still were at the bottom of a heat wave spiral

(Continued on page 4)

Propaganda Has No Place On Screen, Says Lesser

Los Angeles, July 23.—Motion pictures will never be a means of organized propaganda, Sol Lesser, producer, last night told the Institute of Human Relations of the Universal Religious Conference at the University of California here.

Sol Lesser

"In a time of national crisis," he said, "I am confident you will find the industry alert to carrying out the purposes of democracy, but the industry's field basically must continue to be entertainment. In a democratic society entertainment is the common property of all, not the privilege of a few.

"Do not let anyone tell you the American motion picture producer is unaware of his obligation to society. He gladly accepts his share of the burden to keep alive democratic ideals. There is no other industry in the world with so strict a code of ethics.

"The producer recognizes the fact that his screenplays are for family consumption. Good taste is a primary requirement of the Production Code, which must be subscribed to if a picture is to have general distribution. One of the first requirements of this code is that proper human behavior must triumph.

"Not only the producer but writers, directors and actors devote themselves

(Continued on page 4)

Moore Reelected SETOA President

Jacksonville, Fla., July 23.—M. C. Moore, manager of Jacksonville's Riverside Theatre, was reelected president of the Southeastern Theatre Owners Association for a fifth consecutive term at the closing session of the annual convention here today.

Tom Brandon, Titusville, Fla., was reelected secretary; Col. Thomas C. Orr, Albertville, Ala., treasurer, and Oscar C. Lam, representative to the M.P.T.O.A.

Louis O. Gravely, Jr., of the U. S. Treasury Department, spoke to the

(Continued on page 4)

Goldwyn Moves to Drop Delaware Suit

DOVER, July 23.—Samuel Goldwyn has applied for an order dismissing his action in Federal District court here against United Artists and the Elton Corp. for a declaratory judgment to terminate his distribution contract with the former company.

The Goldwyn action to withdraw his suit here follows upon the recent U. S. Circuit Court of Appeals suggestion that the litigation here was duplicated by a similar law suit in the U. S. District court at New York, also brought by Goldwyn. It is understood that the producer will continue his litigation in the latter court.

Goldwyn's action in the New York Federal District court to terminate his United Artists distribution contract will not be brought to trial before next Fall, it was learned here yesterday.

The court has granted defense motions to require Goldwyn to amend his complaint in some respects and to strike out portions of it. Goldwyn's attorney, Max D. Steuer, is complying with this order, and also plans to held pre-trial examinations of Alexander Korda. The procedure will make a trial before Fall most unlikely.

Gartside in British Post

LONDON, July 23.—Ernest Gartside, formerly with 20th Century-Fox British, has been appointed secretary of the British Film Production Association. He succeeds L. Grandfield Hill.

Personal Mention

WALTER BRANSON, RKO Midwestern district manager; RAY NOLAN, St. Louis branch manager, and SOL SACHS, Dallas manager, are conferring at the home office.

•

CHARLES STERN, Eastern district manager of United Artists, left yesterday on a two-week trip through New England.

•

NAT HOLT, RKO Theatres division manager in Cleveland, is at the home office.

•

AUBREY SCHENCK of National Theatres is the father of an eight-pound daughter, born yesterday at Jewish Hospital.

•

WILLIAM F. RODGERS, M-G-M general sales manager, was delayed a day in Chicago yesterday and will arrive in New York today.

•

AL DAFF, Far Eastern manager for Universal, is in New York for his annual home office visit.

•

SAMUEL SPRING, film attorney, is vacationing in Maine.

•

E. V. RICHARDS of Saenger Circuit arrived in New York yesterday from Atlantic City, where he has been vacationing.

•

EDWARD C. RAFTERY of O'Brien, Driscoll & Raftery is vacationing in Maine.

•

JAMES ROOSEVELT left yesterday for the Coast.

•

R. J. O'DONNELL of Interstate Circuit will leave New York for Dallas today.

•

MICHAEL HAAS, Paramount home office receptionist, is in Springfield Hospital, Springfield, Mass., with serious injuries which he incurred, together with other members of his family, while on vacation there.

•

A. H. BLANK, TOBY GRUEN, JOHN W. HICKS, ED GRAINGER, GEORGE WELTNER and ED SAUNDERS at Nick's Hunting Room in the Astor for lunch yesterday.

•

AL WILKIE, VINCENT TROTTA, JOHN D. HERTZ, JR., DAN MICHALOVE, DAVID DIAMOND, AL ALTMAN and ARTHUR KRIM lunching at Sardi's yesterday.

•

JOSEPH PINCUS, ARTHUR KNORR, HAL HORNE and AL YOUNG at Lindy's (51st St.) yesterday for lunch.

•

MAURICE SILVERSTONE, EMANUEL SILVERSTONE and PHIL REGAN lunching at Lindy's (next to the Rivoli) yesterday.

•

LUCILLE WOJTCZAK of the M-G-M Milwaukee branch will be married Saturday to James H. Conway.

•

BRYAN D. STONER, M-G-M salesman in Cleveland, is celebrating his 10th anniversary with the company.

•

CHARLES DORSA, Eastern art director for Monogram, is vacationing on Long Island, due back Monday.

•

JOHN S. HARRINGTON, manager of prints and accessories for Monogram, has left for a vacation in New Jersey. He will return Aug. 5.

•

FRANK DONOVAN, Pathe News vice-president, has returned from a business trip to the Coast.

•

W. E. J. MARTIN, theatre editor of the Buffalo *Courier-Express,* has received the Pilgrim's Degree of Merit from the Loyal Order of Moose.

•

THOMAS SPLENDOR, manager of the Crest Theatre, Philadelphia, has left with his wife and daughter for a vacation in Pittsburgh.

•

SHELDON MANDELL has been shifted to manager of the 56th Street Theatre, WILLIAM GOLDMAN house in Philadelphia.

Blank and Wilby Confer in Capital

A. H. Blank and R. B. Wilby, Paramount theatre associates, who are in charge of the participation of Paramount theatres in national defense activities, left for Washington yesterday to confer with Government officials on plans for cooperative efforts.

They plan to arrange for coordination of their own efforts with those of Government agencies and to obtain authoritative information on the type of cooperative activities which meet with Government approval.

Raft at Strand Friday

George Raft arrived here yesterday for a personal appearance at the Strand starting Friday with his new film, "They Drive by Night."

Newsreel Parade

ROOSEVELT'S third term speech, the Pan-American conference and preparedness in England make the new issues especially significant. The contents follow:

MOVIETONE NEWS, No. 91—French ships captured by Germany. War situation in Egypt. Nazi prisoners in Canada. British fleet in mine precautionary measu[illegible]. Roosevelt's third term speech. Wal[illegible] named Vice-Presidential nominee. Willkie vacationing in Colorado. Delegates to Pan-American conference arrive in Havana. Horse racing at Suffolk Downs. Golf tournament in Chicago. Water festival in Minneapolis. Lew Lehr.

NEWS OF THE DAY, No. 289—Britain vows no surrender. Balbo killed in action. Pan-American delegates convene. Farley, Roosevelt and Wallace in political spotlight. Diaper derby at the Fair. Bobby Jones in golf tournament.

PARAMOUNT NEWS, No. 94—Former Austrian Empress Zita and Ambassador arrive on clipper. Archery tournament at Bear Mountain. Youths buy schooner for South American trade. Diaper derby at the Fair. Britain awaits invasion. Pan-American conference. Democratic convention. Roosevelt accepts nomination. Willkie on vacation.

RKO PATHE NEWS, No. 106—Roosevelt and Wallace nominated. Hong Kong evacuated. Balbo dies in battle. Ireland's defense measures. Delegates to Pan American conference arrive in Havana. Bullitt and Austrian royalty arrive on clipper. Horse racing.

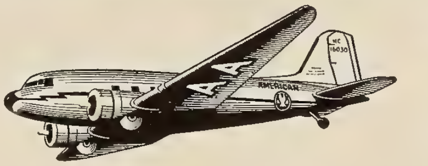
UNIVERSAL NEWSREEL, No. 895—Roosevelt accepts nomination with Wallace as running mate. Willkie vacations in Colorado. Pan-American conference in Havana. England and Ireland in defense moves. "Boys from Syracuse" premiere. Diaper derby at Fair. Arlington Park races.

N. J. Allied Golf Tournament Today

Exhibitors and exchange representatives will attend today a golf tournament at West End, N. J., sponsored by New Jersey Allied. A meeting of the organization and a dinner at the Hollywood Hotel will follow.

Prizes for the tournament have been contributed as follows: floor lamp by Joe Hornstein; 12 golf balls by Al Francis of Heywood-Wakefield; a traveling bag, Harry H. Buxbaum, 20th Century-Fox; traveling case, National Screen Service; apparel order, New Jersey Film Delivery Service, and articles by Altec Service and National Theatre Supply. The tournament is in the charge of E. Thornton Kelly, executive secretary of the organization.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



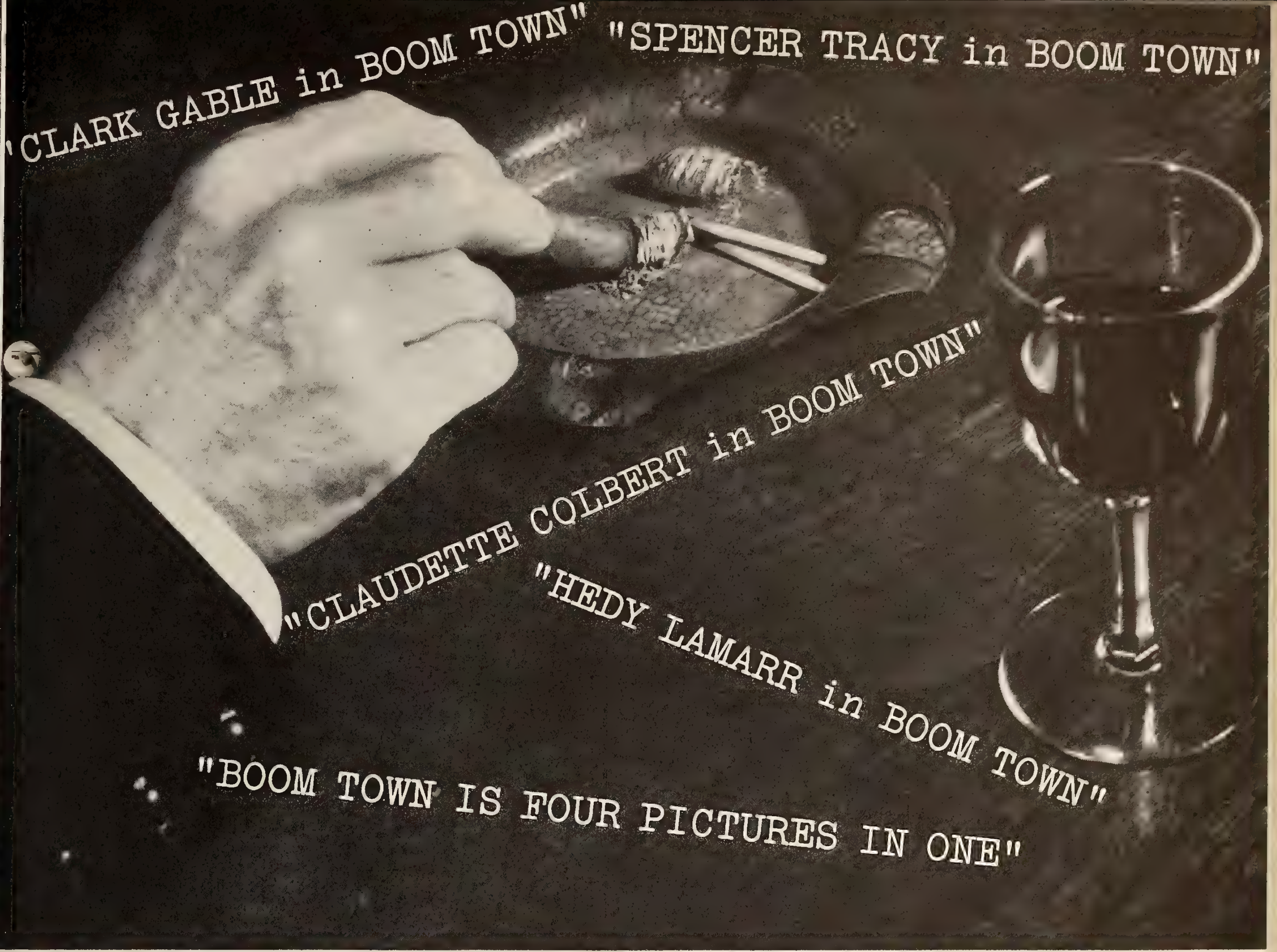
CALIFORNIA
TEXAS ★ ARIZONA

4 FLAGSHIPS DAILY COAST-TO-COAST

★ It's a delightfully cool overnight skysleeper trip to Los Angeles via American's Southern All-Year Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAvemeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES
The Sun Country Special 7:05 am
The Plainsman . . . 4:25 pm
The Mercury . . . . 5:10 pm
The Southerner . . . 10:15 pm
(*Standard Time*)
Twice Daily to
MEXICO CITY

AMERICAN AIRLINES *Inc.*
ROUTE OF THE FLAGSHIPS


"CLARK GABLE in BOOM TOWN"
"SPENCER TRACY in BOOM TOWN"
"CLAUDETTE COLBERT in BOOM TOWN"
"HEDY LAMARR in BOOM TOWN"
"BOOM TOWN IS FOUR PICTURES IN ONE"

EVERYWHERE THE TALK IS ABOUT M-G-M's "BOOM TOWN"!

Screen Play by John Lee Mahin • Based on a Story by James Edward Grant • Directed by Jack Conway • Produced by Sam Zimbalist

Para. Partners Oppose Suit Decree Draft

(Continued from page 1)

joint body of negotiators of Government lawyers and company attorneys, when they resume settlement discussions. Many important amendments and alterations in the draft may be expected, spokesmen assert, as a result of the objection by the theatremen.

Several of the proposals in the draft, they claim, opens the way for "chiseling" in the industry rather than eliminating it. That clause which provides that an exhibitor may under certain conditions deprive another of product by arbitration is one of these, it is asserted.

These are reported to have attended the Paramount meetings: E. V. Richards, head of Saenger Circuit, New Orleans; R. J. O'Donnell, Interstate Circuit, Dallas; A. H. Blank, Tri-States Circuit, Des Moines; R. B. Wilby and H. F. Kincey of Wilby-Kincey Circuit, Charlotte and Atlanta; E. J. Sparks, All-Florida Circuit, Miami; M. A. Lightman, Malco Theatres, Memphis; Hunter Perry, Paramount-Virginia Theatres, Charlottesville; Julius Gordon, Paramount-Texas Theatres, Beaumont.

W.B. Plan 'Sea Hawk' Trade Showings

(Continued from page 1)

simultaneously, in all the key centers, according to plans. Gradwell L. Sears, sales chief of Warner Bros., with Carl Leserman, Roy Haines and other sales executives will attend as many of the trade shows as possible. Their visits will coincide with a transcontinental telephone hookup with all exchange centers by which Sears will personally talk to all the trade show assemblages on Warner Bros.' interest and policy regarding the film.

Notice of these trade showings will be advertised in the trade journals, sometime prior to Aug. 5, according to present indications, and the showings themselves probably will be put under way Aug. 6.

Following the preview screenings, the company's branch managers, wherever possible with home office chieftains, will conduct open discussions on the picture on policy and playing time.

"The company feels," states Sears, "that it is only through the complete support of both the exhibitor and public that it can continue to turn out this type of expensive and worthwhile screen merchandise and expect to stay in business."

Conn. Unit to Study Lowered Exemption

New Haven, July 23.—The M.P.T.O. of Connecticut today authorized Herman M. Levy, executive secretary, to conduct a survey of opinion among members regarding the suggested reduction of the present 20-cent ticket tax exemption to one cent.

The organization passed a resolution expressing regret at the death recently of Abraham Fishman.

N. Y. Theatres Get Some Heat Relief, While Others Suffer

(Continued from page 1)

or gasping in the reaction from a blistering weekend.

The only exception to the heat which swept across the country, affecting theatres in virtually every major city, apparently was the West Coast. Los Angeles reported weather and attendance normal for the season, while San Francisco was troubled only by the usual Summer theatre complaints, uncomplicated by inflammation of the thermometer. San Francisco has the World's Fair as additional competition, but managers foresee a decided pickup when the big show closes on Sept. 29.

Chicago Grosses Off

In Chicago the Midwest heat wave caused a 10 to 15 per cent drop below normal grosses in the Loop, while neighborhood houses also were off. Neighborhood independents, Balaban & Katz and Jones, Linick & Schaefer all reported a substantial decrease in business as the heat continued.

The general exodus of more than 400,000 persons to nearby resorts and the seashore caused Philadelphia grosses to fall as much as 40 per cent below normal in both downtown and neighborhood theatres. Those who stayed at home patronized the local parks and pools to a far greater extent than the theatres over the weekend.

The week of hot weather in Kansas City resulted in 10 houses in the territory eliminating one change and hurt business generally, especially where there is inadequate or no air conditioning. The business volume, however, has not as yet been seriously damaged by the hot weather.

The Summer's hottest and longest heat spell in Indianapolis is "hurting grosses like the devil," to quote one theatre manager. Both downtown and neighborhood houses were affected seriously.

Business, which is fair to poor in the major houses of Boston, is attributed by managers to the hot and humid weather, with grosses going down as the thermometer went up.

Edward M. Fay of Fay Theatres, and Abe Spitz, head of Associated Theatres, Providence, credited the temperature with responsibility for a 50 per cent decline in theatre receipts. Other estimates placed the drop as 25 and 20 per cent, with the houses in the resort spots the only ones holding their own.

Aquatennial Helps Minneapolis

Although the sweltering conditions in Minneapolis might be expected to hurt grosses the Aquatennial, which opened Saturday for nine days, brought crowds to the city large enough to offset the effect of the heat.

Lowest grosses in the past decade were recorded by Detroit houses, which fought a fifth day of over 90 degree temperatures. Business was off from 50 to 75 per cent in most situations.

Seattle reports that six weeks without a trace of rain and continued above normal temperatures are taking a toll at box-offices. All outdoor amusements, such as afternoon horse-racing and night baseball, are showing increased attendance over last year, while theatre business has been decreasing.

Chicks Aid Box-Office

St. Louis, July 23.—The heat wave here sent the mercury soaring to the 90-degree mark, but the expected adverse effect on the box-office has been offset by the current convention of the National Baby Chick Association. Some 7,000 members are here, and seeking relief from the heat in air-conditioned theatres.

M.P.T.O.A. Welcomes Its Newest Affiliate

Jacksonville, July 23. — New York Allied was extended a "warm and sincere welcome" to M.P.T.O.A. ranks by Ed Kuykendall, M.P.T.O.A. president, in a statement issued here today.

"The addition of this long established, well organized and constructive regional association of independent theatre owners as an active member of the M.P.T.O.A. organization is an important step in the steady growth of M.P.T.O.A. as a national association," Kuykendall said.

"It substantially strengthens the defenses of exhibitors against adverse legislation and unfair attacks, which require alert, organized defense, and lends the cooperation and assistance of all of the other M.P.T.O.A. organizations to the organized efforts of Allied Theatres of New York. Thus, we mutually benefit from this active membership."

Max A. Cohen, president of N. Y. Allied, automatically becomes a member of the M.P.T.O.A. national board of directors as the representative of his organization.

Moore Reelected SETOA President

(Continued from page 1)

exhibitors about the new Federal defense admission tax and referred to the theatre men as unpaid tax collectors for the Government. He pointed out all passes of the value of more than 20 cents are subject to the tax.

Other speakers were Mitchell Wolfson of Wometco Theatres, Miami; Nat Williams, Thomasville, Ga.; Edward Golden, Monogram sales chief, and George Dembow, vice-president of National Screen Service.

A banquet and dance tonight brought the three-day meeting to a close. Fuller Warren was master of ceremonies. Attendance at the convention was more than 250, from Florida, Georgia, Alabama and Tennessee.

Seat Firm on Coast

Los Angeles, July 23.—Production at the new Burbank factory of Western States Air-Loc Seat Co. will start July 27, according to Frank D. Rubel, president.

Propaganda Not for Films, Says Lesser

(Continued from page 1)

in practical application to putting on the screen stories of democratic ideas, wholesome stories filled with the drama of everyday life.

"One talks of propaganda pictures to end wars and threats of war. If anti-war pictures could have achieved this end, war would have been outlawed years ago."

Citing a list of films showing the futility and tragedy of war, Lesser said: "Nevertheless part of the world is at war today and still other nations are piling up armaments for future wars.

"I would say that in time of national crisis the screen could rally to a single cause and by concerted effort so bring to the public attention a single subject that there would follow unified national consciousness. But the screen should never be used in such a manner unless there be full knowledge and general approval that it is being used for the good of the nation.

"On such occasion the screen might serve as an advertising medium to get over its point, but when such a crisis has passed anything touching on advertising must be eliminated.

"Once the screen is accused of partisanship, it ceases to be an entertainment medium. Theatres would soon become hotbeds of political discussion. If the motion picture is to continue to be the greatest of all media of mass entertainment, we must keep theatres free of politics."

NBC Rejects New Ascap Pact Terms

(Continued from page 1)

licenses, but only on terms which we considered to be exorbitant," Trammell's letter says in part. "Such a move would add materially and unfairly, in our opinion, to the cost of broadcast advertising and broadcasting operation. Therefore, without an Ascap license, NBC will be unable to broadcast their music after Dec. 31, 1940."

Trammell points out in his letter that the problems involved confront not only the network shows but also local programs, "whether live or transcribed, which are broadcast over NBC managed and operated stations." He asserts that NBC will have available after Jan. 1 the music catalogues of Broadcast Music, Inc., Society of European Stage Authors and Composers (SESAC), Associated Music Publishers, G. Ricordi & Co., Milan; A. P. Schmidt Co., E. C. Schirmer Music Co., Society of Jewish Composers, Publishers and Songwriters, other concerns and individuals and the music in the public domain.

Delay SLRB Hearing

The State Labor Relations Board hearing involving the Howard Theatre, Brooklyn, scheduled for yesterday, has been postponed until tomorrow.

Capital Officials Acclaim 'Ramparts'

WASHINGTON, July 23.—Opening before an audience representing the top layer of Washington's official, diplomatic, Congressional and newspaper life "The Ramparts We Watch" got off to a floodlighted and acclaimed world premiere at RKO Keith's Theatre here tonight.

Despite the 90 degree heat which blanketed Washington for several days, the invitations of *Time* and *Life* were honored by Secretary of the Treasury and Mrs. Morgenthau, Attorney General and Mrs. Jackson, Secretary of the Navy Frank Knox, Assistant Attorney General and Mrs. Thurman Arnold, Assistant Secretary of War Louis Johnson, Senator and Mrs. Carter Glass of Virginia, Senator and Mrs. Morris Sheppard of Texas, Senator and Mrs. Norris of Nebraska, Senator and Mrs. Van Nuys of Indiana, and Senators Hatch of New Mexico, Hayden of Arizona and Hill of Alabama.

The diplomatic corps was represented by the Australian Minister and Mrs. Richard Casey, among others, and several hundred Washington correspondents attended, including Sir Willmott Lewis of the London *Times* and Lady Lewis. Representative Joseph Martin of Massachusetts headed the Congresional delegation.

A number of ranking Army and Navy officials were present, including Rear Admiral Adolphus Andrews, Rear Admiral George Pettengill, and Admirals Harold R. Stark and John Towers; General H. H. Arnold, Major General Thomas Holcomb, General Peyton C. Knox, General G. C. Marshall, General G. V. Strong and General E. M. Watson.

"Ramparts" Preview Here

A preview of "The Ramparts We Watch," March of Time-RKO feature, will be held this evening in the Grand Ballroom of the Waldorf-Astoria Hotel, with the editors of *Time* and *Life* magazines as hosts. Civic leaders are expected to attend. Mayor F. H. LaGuardia has been invited.

Coast Flashes

HOLLYWOOD, July 23.—"Don Quixote," from the Cervantes novel, will be the next film for Frank Capra and Robert Riskin, they announced today. While release is not definitely set, Warners, which will release "Meet John Doe," Capra-Riskin film now in work, will probably get the picture.

•

Twentieth Century-Fox today extended the contracts of Henry Fonda, Binnie Barnes and George Montgomery and signed Joan Bennett to do two pictures a year.

•

Constance Bennett today was signed by Robert Sherwood for the feminine lead in "Legacy" opposite Warner Baxter, for Columbia release.

Plans Travel Series

Walter Bibo of Atlas Film Exchange, Inc., is preparing a series of "Travelcades" in color, to be supervised by Jack Kemp.

Feature Review

"The Ramparts We Watch"

(March of Time-RKO)

This, the first feature length picture by the March of Time, essays, in an elaboration of the style utilized in the "March of Time" short subject series, to picture the attitude, reactions and accomplishments of the American people in the war years of 1914 to 1918.

The subject matter is actually a compilation of newsreel material, projected against a typical small city background, in and around New London, Conn. War archives here and abroad also provide focal material in the form of front-line war action and governmental developments in this country. This compilation is strung together by a running commentary. Much of the footage is devoted to the actions and reactions of the diverse and typical people of the community, wherein dialogue sequences are used in the manner of true fictional dramatization.

In an effort to give the characters the force of reality, the producers used many of the townspeople of New London, unschooled in the art of the drama. The attempt, while theoretically commendable, falls short of its purpose, demonstrating once again that invariably, only a trained performer possesses the ability to convey to an audience the true impression of reality, in a given artificial and technical medium of expression.

Underlying the dramatization and re-recording of the train of events that began with American indifference in 1914, led in definite sequence to America's entry into the war, and how the nation met the gigantic mobilization requirements of that step, then to the Armistice, is the implication that America today is facing a somewhat similar world situation, and a similar problem.

As produced and directed by Louis de Rochemont of March of Time, the film actually utilizes a combination of the customary dramatic method and the recording of news material with commentary. It is neither the one nor the other, and it would appear to an extent questionable whether this indecisive method serve adequately to convey a well-knit, completely unified production as a whole.

The origin of the film's title is the book by the military authority, Major George Fielding Eliot, published in 1938 under the title, "The Ramparts We Watch: A Study of the Problems of American Defense." It would appear that only the title had been used in the picture, since, except by implication as noted, there is no reference to the nation's defense problem of today.

In view of the current intense national interest in matters of defense, the film, of course, may be expected to have a wide audience.

Running time, 87 minutes. "G."* CHARLES S. AARONSON

**"G" denotes general classification.*

Golden Will Tour Monogram Offices

Edward A. Golden, general sales manager of Monogram, in Jacksonville attending the meeting of the Southeastern Theatre Owners Association, left there last night to preside over a series of regional sales meetings.

On Saturday he will attend a meeting in Atlanta, then return to New York for a week. On Aug. 2, he will leave for Albany, Buffalo and Cleveland. During the week of Aug. 11 he will cover Detroit, Chicago and Milwaukee, followed by Des Moines, Omaha and Minneapolis the week of Aug. 19. Later he will visit the far West and Midwestern cities, planning to complete the tour of branches by the first week in September.

Charles Freeman Joins Interstate

Charles J. Freeman, former talent booking manager for RKO and Paramount theatres, has been named a district manager of the Interstate Circuit at Dallas.

Freeman was tendered a testimonial dinner at the Astor last night. Among those present were: R. J. O'Donnell, general manager of Interstate; Joseph Vogel of Loew's, John J. O'Connor of RKO, Robert Weitman, managing director of the Paramount, and Jay C. Flippen, who acted as toastmaster.

Freeman, who leaves New York at the end of the week to begin his new duties, was general manager of Consolidated Radio Artists prior to accepting his new post.

Ivens and Ferno Sue N. Y. U. on Contract

An action for breach of contract in connection with the production of documentary films was filed in N. Y. Supreme Court yesterday against New York University and the Alfred P. Sloan Foundation by Joris Ivens and John Ferno, producers of the films, according to Fitelson & Mayers, attorneys for the plaintiffs.

The action seeks no damages but asks for judgments amounting to approximately $20,000. It charges that after the two had started work on a film picturing the possible development of new industries and another on the agricultural surplus problem, they were ordered to abandon the work. The reason given, according to the complaint, was that the Sloan Foundation had discontinued production funds.

British Ticket Tax Effective on Oct. 6, To Raise 15 Million

LONDON, July 23.—The new fiscal year war budget, introduced today by the Chancellor of the Exchequer, includes an all-around increase in the entertainments tax, effective Oct. 6. It is expected to yield an extra £4,000,000 ($15,000,000) annually, of which film theatres are expected to contribute about £3,500,000.

An entirely new scale, starting with a half-penny tax on seats between three pence, half-penny and five pence, brings into the taxable category the cheaper-priced tickets, which hitherto were tax free.

The new tax plan follows the conversations of the Government tax officials with the Cinematograph Exhibitors Association recently, and will make admission increases necessary. Exhibitors, while they fought hard against the proposed new tax burden, are accepting the new tax scale as inevitable, and are grateful for the concession which exempts two-pence admissions from the tax.

Exhibitor units will meet shortly to arrange admission increases. The sixpenny seat, currently the most popular, is expected to be raised to nine pence in many districts. Under the new scale, a patron paying for a sixpenny seat would pay three farthings tax, for a nine-penny seat would pay three pence, for a shilling seat, four pence tax, and so on.

Fred Lange Coming Here from Europe

Fred Lange, Continental European manager for Paramount, is at Lisbon en route to New York from his temporary headquarters at Barcelona. He will leave by *Clipper* as soon as accommodations are available.

Lange is the second major company Continental manager to return to New York. He was preceded here by Laudy Lawrence of M-G-M and the latter's assistant, Arthur Field. Harold Smith, Continental manager for M.P.P.D.A., also has returned to New York.

With the situation extremely confused, other Continental European managers are either at Lisbon or Barcelona. The 20th Century-Fox headquarters have been established at Barcelona and RKO's and Warners at Lisbon. United Artists, Columbia and Universal are not maintaining Continental headquarters. United Artists' European operations are directed by George Archibald from London; Universal's are now directed from the home office, although regional headquarters are still maintained at Bordeaux and Budapest. Columbia's Continental operations are confined to unoccupied sections of France in charge of Alex Stein at Bordeaux.

Lange, after reporting to John W. Hicks, Paramount foreign head, may return to Europe, although future developments there are expected to be the deciding factor.

Form Theatre Company

SAN FRANCISCO, July 23.—San Joaquin Theatre Co., Inc., has been incorporated here for $12,000 by F. E. Cannon and B. E. Kragen.

Los Angeles Grosses All Touch Bottom

Los Angeles, July 23.—No theatre succeeded in reaching average business in an unusually dull week here. "My Favorite Wife" and "Beyond Tomorrow" came close with $5,500 at the Hillstreet and $6,000 at the Pantages.

Estimated takings for the week ending July 17:

"All This and Heaven Too" (W. B.)
CARTHAY CIRCLE—(1,518) (75c-$1.50) 7 days, 5th week. Gross: $11,500. (Average, $17,000)

"Maryland" (20th-Fox)
"Charlie Chan's Murder Cruise" (20th-Fox)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $10,200. (Average, $12,500)

"Our Town" (U. A.)
4 STAR—(900) (40c-55c) 7 days, 4th week. Gross: $3,000. (Average, $3,250)

"My Favorite Wife" (RKO)
"Beyond Tomorrow" (RKO)
HILLSTREET—(2,700) (30c-65c) 7 days, 3rd week. Gross: $5,500. (Average, $6,500)

"Maryland" (20th-Fox)
"Charlie Chan's Murder Cruise" (20th-Fox)
LOEW'S STATE—(2,500) (30c-65c) 7 days. Gross: $10,500. (Average, $14,000)

"My Favorite Wife" (RKO)
"Beyond Tomorrow" (RKO)
PANTAGES—(3,000) (30c-65c) 7 days, 3rd week. Gross: $6,000. (Average, $7,000)

"The Ghost Breakers" (Par.)
"Queen of the Mob" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days, 3rd week. Stage: F. & M. revue, Rita Rio and her orchestra. Gross: $14,000. (Average, $18,000)

"My Love Came Back" (W. B.)
"Murder in the Air" (W. B.)
WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. Gross: $9,500. (Average, $14,000)

"My Love Came Back" (W. B.)
"Murder in the Air" (W. B.)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross: $9,000. (Average, $12,000)

'Love,' Hope Show $13,000 K.C. Smash

Kansas City, July 23.—Bob Hope and his show in a one-day appearance at the Newman drew half the week's $13,000. "My Love Came Back" was the film. The Hope show was at higher prices, 44c-72c. "Maryland" did $6,700 at the Esquire and Uptown.

Estimated takings for the week ending July 17-18:

"Maryland" (20th-Fox)
ESQUIRE—(800) (28c-44c) 7 days. Gross: $2,900. (Average, $2,200)

"Our Town" (U. A.)
"Sporting Blood" (M-G-M)
MIDLAND—(4,000) (28c-44c) 7 days. Gross: $7,500. (Average, $9,000)

"My Love Came Back" (W. B.)
NEWMAN—(1,900) (28c-44c) 7 days. Stage: Bob Hope, Jerry Colonna, Brenda and Cobina (44c-72c) 1 day. Gross: $13,000. (Average, $7,000)

"Grand Ole Opry" (Rep.)
TOWER—(2,200) (30c) 7 days. Stage: Barr & Estes, Bud Hughes & Pals, Three Toppers. Gross: $6,500. (Average, $6,000)

"Maryland" (20th-Fox)
UPTOWN—(2,000) (28c-44c) 7 days. Gross: $3,800. (Average, $3,000)

Hirliman Ready for Florida Production

Miami, July 23.—Contracts have been signed by George A. Hirliman, president of the George Hirliman Co. of New York and Hollywood, for the production of four features by Colonnade Pictures Corp., Coral Gables, with work to begin immediately.

The first picture, "Adolescence," from an original story by Lawrence Meade, will star Leon Janney and Eleanor Hunt.

Name Writers Signed by Republic in Expansion

Hollywood, July 23.—Republic, in advancing the costs of the productions under a program worked out by Herbert J. Yates and M. J. Siegel, is signing name writers to prepare screenplays for its forthcoming pictures. Sid Kuller and Ray Golden, noted as comedy writers, are doing comedy sequences for "Hit Parade," the script of which is being written by Bradford Ropes and Maurice Leo. Sig Herzig has been signed to do the final screenplay for "Melody and Moonlight," another musical, to be produced by Robert North. Jack Townley has been set to write "Puddin' Head," second of the Judy Canova vehicles.

Those multiple contracts of Orson Welles, James Gleason and others aren't bothering Ben Hecht. He's topped them all. He wrote the original story and screenplay for "Before I Die" at Columbia; he's directing it, and is co-producer. Now he has a role in it.

Mary Astor has been set for a featured role in 20th Century-Fox' "Western Union." . . . Capt. William Clinch, U. S. Army Air Corps., has joined Capt. John Fite for conferences here on Paramount's "I Wanted Wings," Arthur Hornblow, Jr., production at Paramount. . . . Robert Cummings joins Allan Jones in the cast of Universal's "Riviera," a feature of which will be an original score by Jerome Kern. . . . Shepard Traube will direct "Dance Hall," at 20th Century-Fox.

Linda Winters has been announced as Orson Welles' leading woman in RKO's "Citizen Kane." . . . Geraldine Fitzgerald has been elevated to star billing with George Raft in Warners' "Star of Africa." . . . Joe Yule, father of Mickey Rooney, has had his contract extended at M-G-M. . . . Jacques Deval, French playwright, has been signed by Ernst Lubitsch to do the script for "Divorces," starring Merle Oberon and Melvyn Douglas. . . . Douglas is playing opposite Myrna Loy in M-G-M's "Third Finger, Left Hand."

Sol Lesser has purchased "Strange Victory," novel by Franken Meloney, as a vehicle for Martha Scott. . . . Andrew Stone has set something of a record in the use of youngsters in a film. He has used more than 250 children, from the ages of seven to 17, daily in Paramount's "There's Magic in Music." . . . Virginia Sale and Ernest Truex join the cast of "Calling All Husbands," Warners. . . . Marjorie Rambeau will support John Garfield and Ida Lupino in "East of the River," at the same studio. . . . Frances Farmer leaves this week for the East, not to return to films until next Spring.

RKO has signed Emmett Lynn, character actor, to a six-picture deal, first of which will be in support of Tim Holt in "Wagon Train." . . . Sig Neufeld of Producers Releasing Corp. has signed Warren Hull and Isabel Jewell for the leads in "Marked Men." . . . Jack Oakie has been cast for "Tin Pan Alley," at 20th Century-Fox. . . . Donald Meek, now working in M-G-M's "Third Finger, Left Hand," has been borrowed by 20th Century-Fox for "The Californian." . . . Casey Robinson has been assigned to prepare the screenplay for "Kings Row," from the Henry Bellamann novel, at Warners.

Patricia Morison will have the feminine lead in Paramount's "The Round-Up," Harry Sherman picturization of the famous play. . . . RKO has changed the title of "Stunt Man" to "I'm Still Alive." . . . Because of the ad libbing of Rosalind Russell and Robert Benchley, changes in the script of William Seiter's "Hired Wife" at Universal are constantly being made on the set. . . . Ruth Clayton, secretary to John LeRoy Johnston, is in the Glendale Sanitarium following an operation for a stomach ailment. . . . Gracie Fields, British star, will be the first woman to be guest of honor at a Masquers Club testimonial dinner. The date is July 25 and Edward Earle is chairman of the dinner committee.

Tex Ritter, Monogram cowboy star, started his acting career in "Green Grow the Lilics," a stage play. Now independently wealthy because of the sale of some mining properties he is seeking to purchase the film rights, for independent production. Edward Finney, who produces his Monogram pictures, will be the producer, if the deal goes through.

Paramount has purchased "Captain from Connecticut," unpublished novel by C. S. Forrester, creator of Captain Horatio Hornblower. . . . "The Fabulous Thirties" is being prepared as a vehicle for James Cagney and Humphrey Bogart at Warners. Raoul Walsh, who directed "The Roaring Twenties," will guide this. . . . Grover Jones will do the screenplay for Paramount's "Shepherd of the Hills," which Henry Hathaway will direct in color. . . . Charles Bickford and Irene Rich have been signed by Scott R. Dunlap for the leads in Monogram's "Queen of the Yukon," Jack London story.

Seattle Union Elects

Seattle, July 23.—Seattle Film Row Employes, local B-21, elected officers for the ensuing year as follows: president, Phil Haberl; vice-president, Carl Obery; business agent, Robert Stansbery; secretary-treasurer, Carol Brown; Central Labor Council delegate, Ted Blanck; board members, Pat Madigan and Bernice Cadwalder; sergeant-at-arms, Tony Silvaggio.

'Outsider' Release Set

Alliance Films, headed by Budd Rogers, has set distribution for "The Outsider," British film, as follows: Imperial, Boston and New Haven; Pam-O Film Exchange, Buffalo and Albany; Big Feature Rights, Indianapolis, Ohio and Kentucky; Monogram in the South, St. Louis and Kansas City; Detroit, Excellent Pictures; Chicago and Milwaukee, Henri Elman; Pittsburgh, Louis Krieger.

Studio Work Increases to 41 New Films

Hollywood, July 23.—The number of pictures this week before the cameras increased to 41, nine more than last week, as 16 started and seven finished. Nineteen are being prepared, and 77 are being edited.

The tally by studios:

Columbia

Finished: "Before I Die," "Blazing the Oklahoma Trail."
In Work: "Arizona."
Started: "Nobody's Children," "Blondie Goes to the Country."

M-G-M

Finished: "Strike Up the Band," "Escape."
In Work: "Bad Man of Wyoming," "The Philadelphia Story," "Dr. Kildare Goes Home."
Started: "Bittersweet," "Go West."

Monogram

Finished: untitled Range Busters western.
Started: "Queen of the Yukon."

Paramount

In Work: "There's Magic in Music," "Moon Over Burma," "Arise, My Love," "Touchdown!"
Started: "Virginia," "Love Thy Neighbor."

RKO

In Work: "They Knew What They Wanted," "Too Many Girls," "I'm Still Alive."
Started: "Little Men."

Republic

In Work: "Colorado."
Started: "The Girl from Havana."

Roach

In Work: "Roadshow."

Edward Small

In Work: "The Son of Monte Cristo."

20th Century-Fox

In Work: "Down Argentine Way," "Youth Will Be Served," "Yesterday's Heroes."
Started: "Charlie Chan in New York," "Charter Pilot."

Universal

Finished: "Ragtime Cowboy Joe."
In Work: "Spring Parade," "Argentine Nights," "A Little Bit of Heaven," "Hired Wife," "The Leather Pushers," "Seven Sinners."
Started: "The Man from Cheyenne."

Warners

Finished: "The Letter."
In Work: "City for Conquest," "Meet John Doe."
Started: "Honeymoon for Three," "Four Mothers," "Santa Fe Trail," "Calling All Husbands."

Tied in Ball League

At the conclusion of the first half of the Motion Picture Baseball League season, Consolidated Film Industries and Paramount are tied for first place, each having won six games and lost one. Rockefeller Center, NBC, Skouras, M-G-M, International Projector and Universal follow in that order.

"Glad to Remit"...

Republic
PICTURES

34, Rue Safia Zaghloul
(33, Rue Fouad Ier)
ALEXANDRIE
EGYPTE

Tél. 20361
Adr. Tél.: "REPUBFILM"
R. C. ALEX. 19140

Distributeurs : Z. ALESHINSKY & A. LEONARD

"WE THANK YOU FOR YOUR REMINDER FOR THE SUBSCRIPTION TO THE MOTION PICTURE HERALD FOR THE YEAR ENDING DECEMBER 1940, AND ARE GLAD TO REMIT HEREWITH CHECK NO. XE 775912 ON THOS. COOK & SON (BANKERS) LTD., NEW YORK, FOR $10.00, PAYABLE TO YOUR ORDER IN SETTLEMENT THEREOF. THE HERALD HAS REGULARLY REACHED US TO DATE."

Z. Aleshinsky

MOTION PICTURE HERALD, $5.00 *a year Domestic;* $10.00 *Foreign; 52 issues with which is combined* BETTER THEATRES, 13 *issues yearly.*

MOTION PICTURE HERALD

ROCKEFELLER CENTER NEW YORK

Sales of Time Showed 10.3% Gain for 1939

WASHINGTON, July 23.—A 10.3 per cent per cent increase in time sales by radio stations in 1939 as compared with the year before was reported today by the Federal Communications Commission.

Analysis of returns filed by the three major networks and 705 individual stations showed sales for the year of $128,468,022, against $117,379,459 in 1938.

Total broadcast expenses of the industry were $99,789,920, an increase of 7.9 per cent over the $92,503,594 reported for 1938.

The commission pointed out that while the networks and their 23 affiliated stations had 54.1 per cent of the total business of the year, their proportion of the net business (after deduction of commissions and amounts due independent stations for net broadcasting) was 38.2 per cent. Time sales during the year involved commission payments of $17,405,414 against $16,487,200 in 1938.

The report showed time sales of the major chains was $61,310,571 against $55,114,258 in 1938; national non-network sales, $30,472,053 against $28,109,185; local time sales, $36,815,770 against $33,402,801, and regional network sales $869,628 against $753,215. The national chains, in addition, had sales of $1,311,118 for network broadcasts over Canadian and other extra-territorial stations.

To Quiz Siegel in Infringement Suit

M. J. Siegel, president of Republic Pictures; Wells Root, E. E. Passmore, Jan Fortune and Harold Shumate, script writers, were ordered yesterday by Federal Judge John Clancy to submit to examination before trial in Los Angeles on July 31 in connection with the infringement suit of Marquis James against Republic. The suit seeks an injunction and an accounting, claiming that James' biography of Sam Houston, "The Raven," was plagiarized in the film "Man of Conquest."

Drop Italian Films

SAN FRANCISCO, July 23 .— The foreign language theatres, Larkin and Clay, which recently dropped all German and Russian films, and have now added Italian output to the taboo list, owing to the war and the large foreign populations here. Both houses are operated by Herbert Rosener, Inc.

Claude D. Hill Dies

KANSAS CITY, July 23.—Claude D. Hill, 60, retired circus operator and theatre manager, died here yesterday. He was at one time manager of several theatres here, including the Ashland and the old Elmwood and Idle Hour.

20th-Fox Signs Jagger

HOLLYWOOD, July 23.—Dean Jagger, who has the title role in "Brigham Young," has been signed to a long-term contract by 20th Century-Fox.

Off the Antenna

BUSINESS Cheer: Last month WOR enjoyed an increase of 7.5 per cent in commercial sales over June 1939, according to Eugene S. Thomas, sales manager for the station. A total of 328 hours and 46 minutes were sold last month as compared with 305 hours and 48 minutes for the period last year.

• • •

New basic broadcasting rates of WHN, which become effective Aug. 30, will call for a raise in the hour rate from $450 to $550. The half hour is listed at $330, the quarter hour at $220 and five minutes at $110. The rates decrease proportionately with the number of broadcasts.

• • •

Program News: *Elliott Roosevelt's discussions on current events, heard three times weekly over WMCA, have been renewed for 39 weeks beginning July 29. Sponsored by Dr. Lyons Tooth Powder, the commentaries are recorded in Texas, sent here by air and heard from the New York station. Blackett, Sample & Hummert handles the account. . . . The Lutheran Hour, handled by Dr. Walter A. Maier, will return Oct. 27 to 112 stations of the Mutual network. . . . A new account at WOR is the General Baking Co. which is sponsoring a series of five-minute electrical transcriptions four times weekly. "Ted Steele—Songs," also for General Baking, is new on WABC,* 8:15 *to* 8:20 *A. M. Monday through Saturday. . . . "Ask-It-Basket" and "Strange as It Seems," respectively on CBS Thursday* 8 *to* 8:30 *P. M. and* 8:30 *to* 8:55 *P. M., have been renewed for another year, with one station added to the quiz program and nine added to "Strange as It Seems." Colgate sponsors both.*

• • •

Purely Personal: *Robert I. Garber, formerly with the New York* Journal, *and more recently with* Tide *magazine, joins the WOR sales department Aug.* 5. . . . *Ronnie Goldberg, WNEW auditor, will be married Aug.* 18 *to Nona Whitehorn. . . . William Norris, dispenser of trade news for NBC, has returned to his desk after having attended the Democratic Convention in Chicago. Al Simon, publicity director of WHN, is in Miami for two weeks. . . . Rafaele Mendez, Mexican-born trumpet soloist on the Al Pearce program, will become a United States citizen on Friday. . . . Clarence Wheeler of WHEC, Rochester, has been appointed second district director for the National Association of Broadcasters.*

• • •

The Red Cross will benefit from a baseball game tonight in Newark between the Newark Bears and the Toronto Maple Leafs, to be broadcast by Earl Harper over WNEW exclusively. The opening ceremonies will be participated in by Mayor Ellenstein and other celebrities.

• • •

Numerous radio personalities will be heard from the Fair on all networks on Broadcasting Day, Aug. 3, including Rudy Vallee, Major Edward Bowes, Kate Smith, Lowell Thomas, James Melton, Francia White, the Revelers, Gertrude Berg, Colonel Stoopnagle, Phil Cook, Lanny Ross, H. V. Kaltenborn, Graham McNamee, Ted Husing, Tommy Riggs and Dorothy Gordon.

20th-Fox Sets 'Indiana'

HOLLYWOOD, July 23. — Twentieth Century-Fox plans to produce "Indiana" as a high budget feature in color, with Brenda Joyce, John Payne and Walter Brennan heading the cast, as they did in "Maryland." Henry King will direct.

Sues Station Operators

MONTGOMERY, Ala., July 23.—Injunction proceedings have been initiated in Circuit Court here by John S. Allen, minority stockholder and vice-president of the Capital Broadcasting Co., Inc., against the other two officers and stockholders of WCOV.

Bank Night's Gross in 1936 $770,558, Tax Case Shows

WASHINGTON, July 23.—Starting in 1934 with a borrowed capital of $800, Bank Night, which did a gross business in that year of $116,982, took in an income of $770,558 in 1936 and probably a much larger sum in the following year, just before it was outlawed by the Post Office Department as a lottery, it was disclosed today by the Board of Tax Appeals.

Figures on the business of the theatre game were revealed bv the Board in a decision settling a tax controversy between Affiliated Enterprises, Inc., and the Commissioner of Internal Revenue, involving a tax deficiency of $60,540.

Of the 1936 income, it was shown, $755,573 was derived from the $5 and $10 per week license fees paid by theatres, and the net income was $399,792.

In its returns, the company deducted salaries of $11,700 and $7,800, respectively, for Clover Yaeger and Maizie Ricketson, wives of two principal owners, for 1935, and $20,800 and $13,000, respectively, for 1936, for services rendered. The Commissioner determined that no deduction could be made for Maizie Ricketson and that salary to Clover Yaeger should be $1,200 for 1935 and $600 for 1936. The Board held that proper salaries should be $2,400 for Clover Yaeger in 1935 and $1,800 in 1936, and $1,200 for Maizie Ricketson for each year. It also held that the company was not a personal holding company, as claimed by the Commissioner.

Writers Want Sequel Rights On Pictures

An intensified campaign to secure sequel rights for dramatists and authors who furnish material for motion pictures will be started by the Dramatists Guild soon after Labor Day, it is learned.

The Guild contends that authors who create characters are entitled to additional payment in the event more than one production is made based on the same fictional creation.

Tarkington Test in October

A test suit in the matter, brought by Booth Tarkington against Warners for use of the character "Penrod" in a series, is due for trial in N. Y. Supreme Court in October. Although no final decision is expected from the courts until the Spring of 1941, the Guild and its parent body, the Authors League of America, are preparing for a battle to obtain sequel rights by special provisions in contracts with film companies.

Several contracts providing for additional payments in the event sequels are produced have already been signed on the Coast, Guild officials assert, but it is their contention that this should be a uniform and mandatory practice. One of the chief demands is for the privilige of working on the script to prevent use of the character which may damage such character's appeal to the public, officials state.

To Weigh Fleisher Extension

One of the principal measures to be taken by the Guild in this connection will be the extension of the services of Sidney R. Fleisher, at present film negotiator for dramatists, to all members of the League. Thus, magazine and book writers who sell their stories to Hollywood will also work through the same office and it is expected that the bargaining powers will be greatly increased. At first, use of Fleisher's services will be optional to the authors but eventually it is planned to compel them to negotiate through him as in the case of dramatists whose plays have run three weeks or more.

Electric Radios in 9 of 10 Farm Homes

Washington, July 23.—Nearly nine out of every 10 farm homes on electric lines financed by the Rural Electrification Administration have electric radio receivers, and more such homes have radios than have any other form of electrical appliance, it was reported today by REA Administrator Harry Slattery.

A questionnaire investigation of 43,000 families served by 82 R.E.A.-financed systems in 27 states disclosed that 87.5 per cent have non-battery radios, as compared with 84.1 per cent having electric irons and 55.3 per cent having washing machines, the next two most popular appliances.

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 18 NEW YORK, U.S.A., THURSDAY, JULY 25, 1940 TEN CENTS

PARAMOUNT HOLDS KEY TO CONSENT DECREE

Cancellation Preferred by Theatre Men

Kuykendall Says Decree Terms Not Feasible

Exhibitor protests against the terms of the proposed consent decree in the Government's New York anti-trust suit were voiced yesterday by Ed Kuykendall, president of the M.P.T.O.A., Max A. Cohen, president of Allied of New York, new M.P.T.O.A. affiliate, and M. A. Lightman, head of Malco Theatres, Memphis, a Paramount partner.

Kuykendall declared: "Any attempt by consent decree to force the selling of pictures in blocks of five without a cancellation privilege will work a serious hardship on exhibitors, especially the small independent, and will destroy what M.P.T.O.A. has fought years to attain.

"All thinking exhibitors, regardless of their affiliations, will join us in this."

Kuykendall added: "The vast majority of theatre owners, such as we speak for, are entitled to consideration as to this consent decree and will demand it."

A resolution adopted by the convention of the Southeastern T.O.A. in Jacksonville, Fla., this week reflected a similar stand.

Cohen said that theatre owners are entitled to consideration in the decree

(*Continued on page 3*)

Coast Flashes

HOLLYWOOD, July 24.—Darryl F. Zanuck, production chief of 20th Century-Fox, today announced plans for a preview of "Brigham Young" in Kansas City within three weeks. Fifty leading exhibitors will be flown there to see the film and to assist in formulating the sales policy and exploitation campaign. Herman Wobber, general sales manager, will lead the Eastern delegation, and Zanuck, Kenneth MacGowan and Director Henry Hathaway the Coast group attending.

•

Samuel Goldwyn today donated an ambulance to the British Ambulance Service through Ambassador Joseph P. Kennedy.

•

Richard Greene, 20th Century-Fox player, will leave Sunday for Vancouver to enlist in the British Army.

Hearing Today on Wage Definitions For Screen, Radio

WASHINGTON, July 24.—Representatives of the motion picture and radio industries tomorrow are expected to lay before wage-hour division officials recommendations for new definitions of executive, administrative and professional workers under the Fair Labor Standards Act.

A hearing at which both these and other industries will be given an opportunity to express their views will conclude an investigation which the wage-hour division initiated several months ago, following complaints that the definitions as laid down by former Administrator Elmer F. Andrews were so broad as to cover many high-salaried employes performing executive, administrative or professional tasks, although not classified as officials by their companies.

The production branch of the film industry was particularly hard hit by the Andrews definitions, adopted after

(*Continued on page 8*)

Max Cohen to Speak At Rich Testimonial

Max A. Cohen, head of the Cinema Circuit and president of Allied of New York, will be a principal speakat a testimonial dinner to be given to Charles Rich, Buffalo branch manager for 20th Century-Fox, in Buffalo Monday night.

Theatre Partners Stand Fast in Their Objections; Company Chiefs and Government Meet Today

Paramount today holds the fate of the consent decree negotiations in settlement of the Government's New York anti-trust suit, trade authorities believe.

The company's theatre operating partners have unanimously voted that their objections to Sections 1, 3 and 6 of the tentative draft of the decree must be sustained. These sections cover advance trade showings, sales of films in units of five, and discrimination.

The Paramount partners are using all their powers of persuasion to have these sections modified or thrown out. Some of the partners have declared they believe the Department of Justice by such a consent decree is attempting to substitute "court supervision" for "Congressional regulation."

The partners are standing fast on their ground that the proposed decree is a "distributors' decree" and that it must, therefore, be amended.

Under the circumstances, according to home office spokesmen, Paramount has open only three avenues of action:

1. To accept the partners' views and urge them for acceptance by the negotiators.

2. To withdraw from the discussions, if this fails.

3. To ignore the partners' action.

Distributor representatives assert that if Paramount should withdraw from the discussions, the parleys will collapse and the fate of the consent decree will be sealed.

The partners are not pinning much hope, according to several of their

(*Continued on page 3*)

Parts Found Impractical

Following is a summary of the three sections of the proposed U. S. consent decree to which the Paramount partners have entered objections:

Section 1: Trade Showing of Pictures.

(a) No picture shall be offered for sale by a distributor until it shall have been trade shown. The trade showing shall be held in the exchange district in which the public exhibition of the film is to be held, with suitable trade notice beforehand.

Section 3: Unit Selling.

(a) No distributor shall offer for sale more than five pictures in a single group.

(b) Sale of such group shall not be conditioned upon the sale of another picture or group of pictures.

(c) Forcing of shorts, newsreels, trailers, serials, reissues, westerns

(*Continued on page 3*)

Product Need in Occupied Areas May Open Way for U. S. Pictures

The market for American films in European territories seized by the Nazis may open shortly, at least to an extent, in the opinion of an American motion picture executive recently returned from the Continent.

This belief is based on the executive's understanding that the Germans are particularly interested in keeping theatres open in the occupied territories, and they cannot do so with German product alone. With virtually none other available, they will be forced to turn to American pictures, it is thought.

Exhibition of American films never ceased in the French unoccupied territory. The ban on all but Dutch and German pictures in the Netherlands, decreed by the Nazis yesterday, is explained here as being a restrictive measure against the active resentment of the Dutch to the Nazi occupation.

Executives Ponder

Executives of the various theatre affiliates of the major companies yesterday held separate meetings for study and discussion of the tentative draft of the consent decree. They were, individually, to report their findings to their distributor-producer affiliates so that their objections can be taken up today at the meeting between the negotiators for the companies and the Government lawyers.

Turnabout

MEMPHIS, July 24.—There was a real turnabout when "Turnabout" played Loew's here. B. E. Fry, relief manager, invited Harry Martin, *Commercial Appeal* critic, to be manager of the theatre for the opening performance while Fry acted as film critic. Sure, the film got a rave review, and Martin a couple of new gray hairs.

G.T.E. Three-Month Net Up to $195,637

General Theatres Equipment Corp. and subsidiaries, excluding Cinema Building Corp., report consolidated profit for the three months ended June 30, 1940, of $195,637, after provision for depreciation and estimated Federal income tax. The net compares with $182,686 for the corresponding period in 1939.

For the first six months of the current year, consolidated net profit was $403,318, compared with $328,230 for the first half of 1939. As of June 30, last, the company had 592,297 shares of capital stock outstanding, compared with 597,247 on June 30, 1939.

Seek Bioff Release In Federal Court

CHICAGO, July 24.—Walker Butler, attorney for William Bioff, declared Bioff "has been unjustly and unfairly denied his day in court" in a brief filed in Federal Court. This is a new effort to obtain the Coast I.A.T.S.E. leader's release from jail, where he is serving a six months' sentence on an old charge.

Butler applied to the Federal court after exhausting all state court efforts, "as a last resort to protect Bioff's Constitutional rights." A decision by Judge William Holly is expected shortly.

Hold Burditt Rites

TORONTO, July 24.—Funeral services were held here yesterday for Stanley Burditt, manager of the Temple Theatre, Windsor, who died suddenly.

Personal Mention

F. J. A. McCARTHY, Eastern sales manager for Universal, left for Boston yesterday with JULES LAPIDUS, Eastern district manager.

•

JACK LEVEL of the RKO publicity department is substituting as editor of the *Flash*, company house organ, while HARRY GITTELSON is vacationing.

•

C. W. ALEXANDER, assistant cashier at the Paramount home office, returns today with MRS. ALEXANDER from a 12-day Southern cruise on the *Santa Rosa.*

•

MEL EVIDON, Des Moines Columbia exchange manager, was called to Minneapolis this week by the death of his mother.

•

EMIL FRANKE, manager of the RKO Orpheum in Des Moines, and MRS. FRANKE will leave this weekend for a two-week vacation in the East.

•

SAM FORGOSTON of the M-G-M advertising department has returned from Mechanicville, N. Y., and a visit to the mills of the West Virginia Paper Co. as an award extended to the honor member of the class in Graphic Arts conducted by the N. Y. Printing Association.

•

DAVE BACHNER of Warners advertising department in Cleveland, is a World's Fair visitor.

•

C. L. HOLLISTER of the Temple and State, Wellsville, N. Y., is in town.

•

ALFRED N. SACK of Sack Amusement Enterprises, Dallas, is in town to buy new product.

CHARLES MacDONALD RKO Theatres division manager in New York, is due today from a 12-day cruise on the *Santa Rosa* in Southern waters.

•

MARTIN MOSKOWITZ, J. J. MILSTEIN, JOSEPH PINCUS and AL YOUNG at Lindy's (51st St.) yesterday for lunch.

•

JOSEPH VOGEL, MARVIN SCHENCK, SOL EDWARDS and EUGENE PICKER lunching at Lindy's (next to the Rivoli) yesterday.

•

LOUIS J. BARBANO, MAURICE BERGMAN, EMANUEL SILVERSTONE, ARTHUR MAYER, JAMES MULVEY, JOSEPH McCONVILLE, ALAN FREEDMAN, T. H. HUNTER, HARRY GOETZ, HARRY ARTHUR and PAT ROONEY lunching at the Tavern yesterday.

•

BORIS KAPLAN, CHARLES SONIN, ARTHUR LOEW, JOHN D. HERTZ, JR., MORT SPRING, LYLE TALBOT and AL LEWIS at Sardi's yesterday for lunch.

•

HOWARD DIETZ, IRVING BERLIN, CHARLES E. McCARTHY, ED SAUNDERS, CHARLES CASANAVE, SOL BORNSTEIN, TED O'SHEA and TOM CONNORS at Nick's Hunting Room in the Astor for lunch yesterday.

•

M. A. LIGHTMAN, head of Malco Theatres, will leave for Memphis today.

•

MARTIN MULLIN, SAM PINANSKI, NATE GOLDSTEIN and HUNTER PERRY arrived in New York yesterday.

•

MARGERY ADAMS, Boston *Globe* film critic, is visiting Hollywood.

Name Stitt Ad Head For United Detroit

DETROIT, July 24.—Ralph Stitt has been appointed advertising and publicity director of United Detroit Theatres, Paramount affiliate here, of which Earl J. Hudson is general manager. Stitt, who was with Paramount some years ago, most recently was with the Minnesota Amusement Co.

'Daltons' to Open In Kansas Today

COFFEYVILLE, Kan., July 24.—Universal's "When the Daltons Rode" will have its world premiere here tomorrow, in the heart of the country where the notorious outlaws carried on their activities. The film will be shown at the Midland and Tackett theatres.

A Coast delegation will include Andy Devine, Frank Albertson, Constance Moore and Peggy Moran, players, and George Marshall, director of the film. Newspaper correspondents will also arrive from Hollywood.

Rites Held for Cass

SUMNER, Ia., July 24.—Funeral services were held here yesterday for Joseph F. Cass, 77, head of an independent circuit with headquarters here, who died at University Hospital. He is survived by a daughter and a son.

Frank E. Redman Dead

Frank E. Redman, 61, chief property man for Famous Players-Lasky and Pathe at Ft. Lee, N. J., years ago, died yesterday in the Englewood, N. J., hospital. He was employed currently at Eastern Service Studios.

Jean Murat Here

Jean Murat, French film actor, has arrived from Europe, and will visit Arthur Loew, vice-president in charge of Loew's foreign distribution, at his Glen Cove, L. I., home.

Yes, and Again No

San Francisco, July 24.—In the belief that many patrons are anxious to avoid overemphasis on war, Dan McLean's Embassy, downtown house, has hung a "We Do Not Show War News" poster across the front. The Strand, next door, by coincidence is featuring a heavy daily showing of war newsreels. Both sides claim good results!

SEC Reports Rubin Sale of Loew Stock

WASHINGTON, July 24.—Disposition of 2,300 shares of Loew's Inc., common stock in May by J. Robert Rubin, vice-president, was reported tonight by the Securities and Exchange Commission in its semi-monthly summary. The series of transactions by which he disposed of the stock reduced Rubin's holdings to 27,615 shares.

Also reported by the S. E. C. was the acquisition of 1,000 shares of Paramount Pictures common stock by Stanton Griffis, executive committee chairman, bringing his interest to 4,000 shares, and the acquisition in April of 200 shares by Adolph Zukor, board chairman, representing his total holdings in that class, and the acquisition of 200 shares of second preferred, also his entire holdings.

In a report for December, 1939, the Manufacturers Trust Co., New York, disclosed that it is the beneficial owner of 5,710 shares of first preferred and 3,000,000 convertible debentures of the Paramount company.

A report on Universal Pictures showed the acquisition of 1,000 shares of common, his entire holdings, by Paul G. Brown, Philadelphia, director, while in Consolidated Film Industries the acquisition of 400 shares of preferred stock was reported for E. H. Seifert, Fort Lee, N. J., director, giving him a total of 560 shares.

A report on the equity holdings of Thomas P. Durell and Frederick L. Ehrman, both of New York, directors of RKO, showed that the former held no stocks and the latter held 800 shares of common and 75 shares of preferred, when the company's registration became effective June 16. Another report showed that George J. Bonwick, New York, held no Pathe Film equity stocks when he became an officer on June 1.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Don't let this happen to you
see
PRIDE AND PREJUDICE
(M-G-M hit starring GREER GARSON & LAURENCE OLIVIER)
Coming Soon!

W. B. Reports 39-Week Net Of $2,450,713

Net operating profit of $2,450,713 is reported by Warners for the 39 weeks ended May 25. This compares with $2,912,186 in the corresponding period the year before.

The balance sheet as of May 25 shows an improved cash position for the company, with cash on hand of $9,387,399, as compared with $5,994,145 a year ago.

Operations showed a net profit of $7,213,880 before charge-offs for amortization, depreciation and Federal income taxes. Gross income for the 39 weeks, after eliminating inter-company transactions, was $76,375,905 from film rentals, theatres, sales and other sources, as compared with $78,387,001 in the corresponding period last year.

The net is equivalent to $24.60 earnings per share on 99,617 shares of preferred stock outstanding and 58 cents a share on 3,701,090 shares of outstanding common stock. Preferred dividends in arrears on June 1 amounted to $31.77 a share.

During the period there was a net credit of $162,922 made directly to earned surplus. Assets of subsidiaries operating in certain foreign territories having exchange restrictions totaled $515,514.

Parts of Decree Found Impractical

(*Continued from page* 1)

and foreign-made films, is prohibited, and subject to arbitration.

(d) An exhibitor, in order to assert a claim under this anti-forcing provision must mail written notice of his claim to the distributor's home office not later than two days after the distributor has notified the exhibitor of contract approval.

(e) Arbitrator's powers are limited to the question of forcing. The arbitrators can grant a cancellation of contract to the contractor as it relates to the films which were forced.

(f) An exhibitor may cancel any group of pictures or any picture which is offensive on moral, religious or racial grounds in the locality served. He must give written notice of such cancellation. Such notice must be mailed to the distributor's home office not later than seven days after the contract has been cancelled. This right to cancel is subject to arbitration.

Section 6: Discrimination.

(a) Distributors are prohibited from discriminating against wholly independent theatres in favor of competing circuit theatres. This is subject to arbitration and a violation of the arbitration award makes the guilty party subject to damages in a final proceeding.

An independent theatre is described as one which is not affiliated by common buying, stock or other affiliation with a circuit of more than five theatres.

Hollywood Review

"The Villain Still Pursued Her"

(RKO)

HOLLYWOOD, July 24.—One of the most unusual pieces of entertainment ever to be presented on the screen is RKO's "The Villain Still Pursued Her," which marks Harold B. Franklin's return to the production field. In this filmization of the old anti-liquor play, "The Fallen Saved," also called "The Drunkard," the action and the dialogue are burlesqued, the characters give stage "asides" to the audience, and the patrons are invited to hiss and boo the villain and cheer the forces of righteousness.

Thus it opens up many avenues to novel exploitation campaigns, and is the only thing outside of the "community sing" shorts which at present encourage audience participation.

Anita Louise is the sweet young girl who marries Richard Cromwell, wealthy youth lured to drink by his thieving attorney, Alan Mowbray. Hugh Herbert is the philanthropist who effects drunk cures. Others in the cast are Billy Gilbert, Buster Keaton, Joyce Compton, Margaret Hamilton and Diane Fisher.

Edward F. Kline directed from an original screen play by Elbert Franklin.

The acting and the dialogue are all in the style of the overplayed stage dramas of yore, and the preview audience gave every indication of enjoying the novelty.

Running time, 65 minutes. "G."* VANCE KING

"G" denotes general classification.

1,500 See 'Ramparts' At Preview Here

About 1,500 invited guests last night attended a preview of "The Ramparts We Watch" as guests of March of Time and RKO in the grand ballroom of the Waldorf-Astoria Hotel, followed by a reception in the Empire room.

Among those present were Jules Brulatour, Hope Hampton, Felix Warburg, Laurence Rockefeller, William Mallard, James Rowland Angell, Col. Julius Ochs Adler, Boake Carter; Morris Ernst, John Benas, representatives of RKO and March of Time and the Army and Navy.

Also Walter Branson, Louis de Rochemont, Rutgers Neilson, John Wood, Al Sindlinger, Roy Larsen, William Geer, Don Higgins.

Capital Opening, $2,700

WASHINGTON, July 24.—RKO Keith's here today grossed an estimated $2,700 on the opening day of "The Ramparts We Watch," RKO film produced by March of Time, following the premiere Tuesday night. The figure was given out by the management. About 500 persons were in line at 8 o'clock tonight.

Briggs is Reelected As Pathe Lab. Head

Stockholders of Pathe Laboratories, Inc., reelected the board of directors at a meeting at Bound Brook, N. J., and O. Henry Briggs was reelected as president by the directors. Kenneth M. Young, formerly vice-president and treasurer, was elected board chairman, and George J. Bonwick was named treasurer. Arthur W. Miller was elected vice-president, and Mabel M. Malone, secretary and assistant treasurer. Reelected directors include the officers with the exception of Miss Malone and Robert M. McKinney.

Takes California House

LIVERMORE, Cal., July 24.—Yates F. Hamm has purchased the interest of Dan Tocchini in the State here.

Court Reinstates Reade-Justin Pool

NEWARK, July 24.—Vice-Chancellor Buchanan today ordered reinstatement of the pooling and booking arrangement between Walter Reade and the Justin-Jacks interests in Morristown, following an action by Lester G. Justin and Morris H. Jacks to compel Reade and his American Communities Corp. to fulfill the contract entered into by these parties in 1937. They claimed Reade had breached the arrangement. Justin and Jacks operate the Jersey and Park Theatres in Morristown and Reade has the Community. Under the Chancellor's decision, the pooling arrangements is in status quo.

Louis Nizer of the law firm of Phillips & Nizer and David Willentz, Newark attorney, represented Justin and Jacks.

RKO to Open Loop Palace With Double

CHICAGO, July 24.—The opening program at the RKO Palace here, which will reopen on Aug. 1 as the local first run for the circuit, has been changed to a double bill, "When the Daltons Rode" and "Private Affair," instead of the single feature originally planned.

Thomas Gorman, RKO circuit district manager here, disclosed the change. The house has been closed for 10 weeks and originally was scheduled to reopen this Friday.

Jersey Allied Plays Golf

About 70 exhibitors and exchange representatives participated in the New Jersey Allied outing and golf tournament yesterday at West End, N. J. Dinner followed at the Hollywood Hotel. Routine matters were discussed at an informal membership meeting. Lee Newbury presided.

Acquires Coast Theatre

CALISTOGA, Cal., July 24. —The Playhouse Theatre has been taken over by G. W. Page.

Para. Holds Key to Pact Settling Suit

(*Continued from page* 1)

number, on getting Paramount to withdraw from the consent decree negotiations.

First: Because that wouldn't solve their problem or help to get the changes which they believe are necessary in the drafted proposals.

Second: Because the partners believe there will be too much other distributor pressure brought upon Paramount for it to withdraw.

The partners believe that exhibitors should have a voice in the future negotiations.

Some of the partners feel that a trade practice code drafted by all industry elements and including an enforceable arbitration provision is preferable to the tentative draft.

The partners' objections may be presented today by Paramount when the negotiators meet with Government lawyers this morning. The meeting scheduled with the Government attorneys for yesterday was postponed until today at Paramount's request, it is said.

Exhibitors Prefer Cancellation Right

(*Continued from page* 1)

negotiations and either should be consulted or given representation at the conference table. He was critical of the reliance of the Department of Justice on the advice of Allied States officials.

Lightman, former M.P.T.O.A. president, said that the block-of-five proposal "takes exhibition backward 20 years."

"We fought for a 20 per cent cancellation," he said. "Now that we have the fairest cancellation the industry has ever known, they propose taking it away from us."

Lightman said he was "unalterably opposed" to the block-of-five sales proposal.

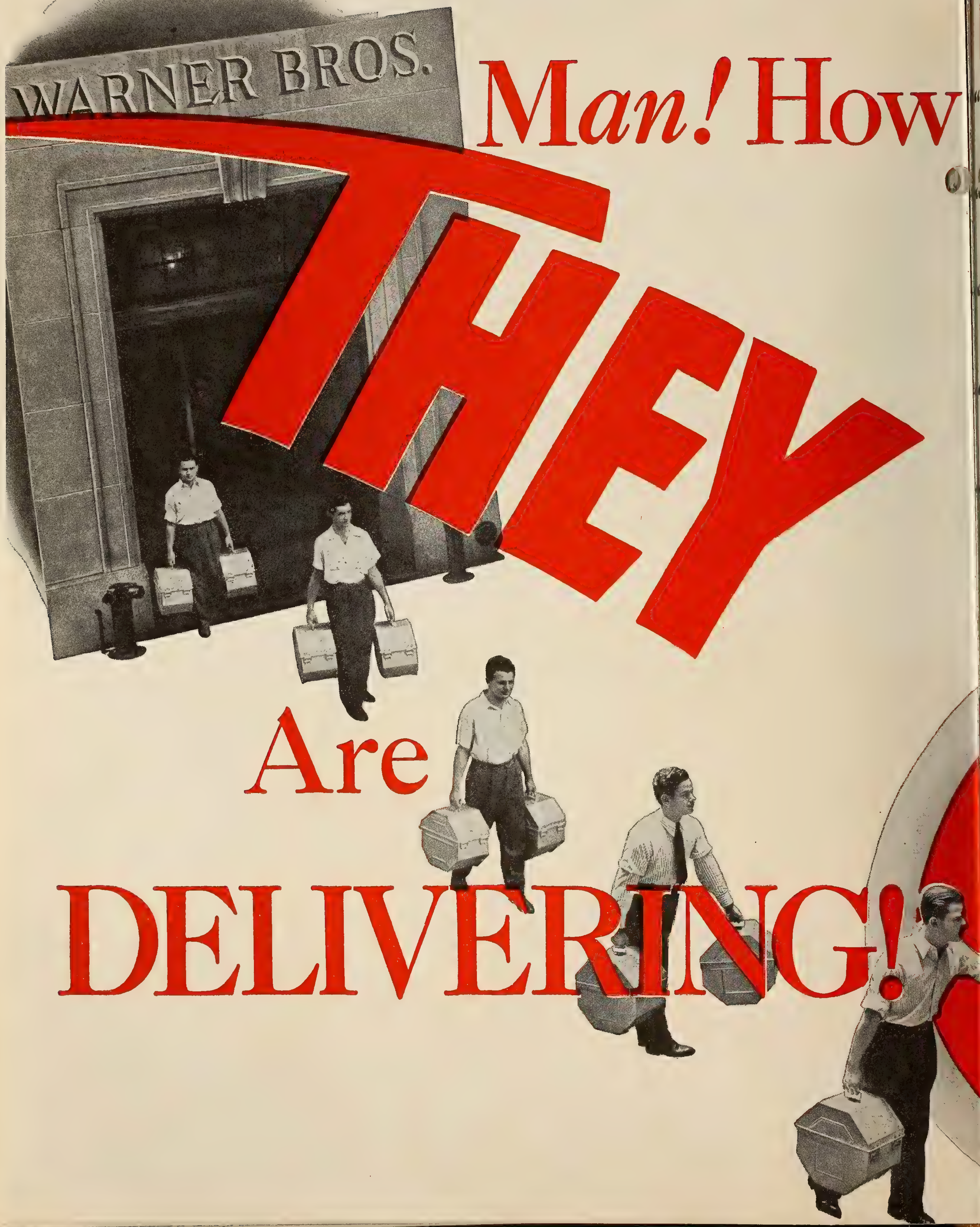
An earlier demand for exhibitor representation in the consent decree negotiations was made by the Pacific Coast Conference of Independent Theatre Owners and rebuffed by the Department of Justice.

Department representatives here, queried yesterday, took the stand that exhibitors are not defendants in the suit; that they are engaged in intrastate, rather than interstate, business, and therefore are not subject to Federal regulation; that the only way of bringing about desired changes in exhibition is through regulation of distribution.

Reminded that Department officials have stated that Allied will be consulted on the decree, Government attorneys said that was because of Allied's active interest in the case at the outset which furnished the Government with numerous complaining witnesses.

Reopen Miami Lincoln

MIAMI, July 24.—The Lincoln has reopened after remodeling.


WARNER BROS.
Man! How
THEY
Are
DELIVERING!

RIGHT AFTER 'ATAHT'!..
RIGHT BEFORE 'SEA HAWK'!..

"A Surefire B. O. Bell-Ringer!"
Daily Variety

"This Is Definitely A Socko!"
Hollywood Reporter

"A Cinch For Profits Anywhere!"
Variety

"Decided Boxoffice Fare!"
Film Daily

"It's A Walloping Hit!"
Showmen's Trade Review

EORGE
RAFT
ANN
SHERIDAN
IDA
LUPINO
HUMPHREY
BOGART

"THEY DRIVE BY NIGHT"

with
GALE PAGE
ALAN HALE
ROSCOE KARNS
Directed by **RAOUL WALSH**
Screen Play by Jerry Wald and Richard Macaulay • From a Novel by A. I. Bezzerides
A Warner Bros.-First National Picture

JACK L. WARNER *In Charge of Production*

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
June 28	Return of Wild Bill (O) *Bill Elliott* *Iris Meredith*	New Moon (G-M) *Nelson Eddy* *J. MacDonald*	Last Alarm (G-D) *Warren Hull* *Polly Ann Young*	Queen of the Mob (A-D) *Ralph Bellamy* *Blanche Yurka*	Carson City Kid (O) *Roy Rodgers* One Man's Law	Anne of Windy Poplars (G-D) *Anne Shirley* *James Ellison*	Lucky Cisco Kid (G-O) *Cesar Romero* *Evelyn Venable*			
July 5	Out West With the Peppers *Edith Fellows*	Andy Hardy Meets a Debutante (C) *Mickey Rooney* *Lewis Stone*	Golden Trail (O) *Tex Ritter*	Way of All Flesh (G-D) *Tamiroff* *Gladys George*		Dr. Christian Meets the Women (G-D) *Jean Hersholt*	Sailor's Lady (G-D) *Nancy Kelly* *Jon Hall*		Private Affairs (G-C) *Nancy Kelly* *Roland Young*	Man Who Talked Too Much (D) *George Brent* *V. Bruce*
July 12		Sporting Blood (G-D) *Bob Young* *M. O'Sullivan*		Stagecoach War (G-O) *Bill Boyd* *Russell Hayden*	Three Faces West (D) Carolina Moon (O)	Millionaires in Prison (G-D) *Lee Tracy* *Linda Hayes*	Manhattan Heartbeat (G-D) *Robert Sterling* *Virginia Gilmore*			All This and Heaven Too (D) *Bette Davis* *Charles Boyer*
July 19	Military Academy (D) *Tommy Kelly* *Bobby Jordan*	We Who Are Young (A-D) *Lana Turner* *John Shelton*	Haunted House (D) *Marcia Mae Jones* *Jackie Moran*		Scatterbrain (G-C) *Judy Canova* *Alan Mowbray*	Cross Country Romance (G-C) *Gene Raymond* *Wendy Barrie*	Maryland (G-D) *Walter Brennan* *Fay Bainter*	South of Pago Pago (G-D) *V. McLaglen* *Jon Hall*	Black Diamonds (D) *Richard Arlen* *Andy Devine*	My Love Came Back (G-C) *O. DeHavilland* *J. Lynn*
July 26	Blondie Has Servant Trouble (C) *Singleton-Lake*	Pride and Prejudice (G-C) *Greer Garson* *L. Olivier*	Boys of the City (D) *East Side Kids*	Untamed (G-D) *Ray Milland* *P. Morison* *A. Tamiroff*	Girl From God's Country (G-D) *Morris-Wyatt*	Stage to Chino (O) *George O'Brien* *Virginia Vale*			You're Not So Tough (G-D) When the Daltons Rode (O)	Ladies Must Live (D) *R. Lane* *Jeffrey Lynn*
Aug. 2		Gold Rush Maisie (C) *Ann Sothern* *Lee Bowman*	Orphans of the North (D) Rainbow Over the Range (O)	Golden Gloves (D) *Richard Denning* *Robert Paige*	Ranger and the Lady (O) *Roy Rogers*	Stranger On the Third Floor (D) *Peter Lorre* *John McGuire*	The Man I Marreid (D) *Joan Bennett* *F. Lederer*		South to Karanga (O) *Chas. Bickford* *James Craig*	They Drive By Night (A-D) *Ann Sheridan* *H. Bogart*
Aug. 9	The Lady in Question (D) *Brian Aherne*	Boom Town (D) *Clark Gable* *Spencer Tracy*	Doomed to Die (D) Chamber of Horrors (D)	Mystery Sea Raider (D) *H. Wilcoxon* *Carole Landis*	Sing, Dance Plenty Hot (M) *Johnny Downs* *Ruth Terry*	Queen of Destiny (D) *Anna Neagle* *Anton Walbrook*	Street of Memories (G-D) *Lynn Roberts* *Guy Kibbee*	Captain Caution (D) *Victor Mature* *Louise Platt*	Boys from Syracuse (G-M) *Allan Jones* *Martha Raye*	River's End (D) *Dennis Morgan* *Victor Jory*
Aug. 16	The Durango Kid (O) The Secret Seven (D)	Golden Fleecing (D) *Lew Ayres* *Rita Johnson*	Laughing at Danger (D) Range Busters (O)	Comin' Round the Mountain (C) *Burns-Merkel*		One Crowded Night (D) *William Haade* *Billy Seward*	Return of Frank James (O) *Henry Fonda* *Jackie Cooper*			Money and the Woman (D) *Jeffrey Lynn* *Brenda Marshall*
Aug. 23	He Stayed for Breakfast (C) *Loretta Young* *Melvyn Douglas*	I Love You Again (D) *William Powell* *Myrna Loy*	Missing People (D) Arizona Frontier (O)	The Great McGinty (G-C) *Brian Donlevy* *Muriel Angelus*		Lucky Partners (D) Wildcat Bus D)	Girl From Ave. A (D) *Jane Withers* *C. Aldrich*			Flowing Gold (D) *Pat O'Brien* *John Garfield*
Aug. 30	Five Little Peppers in Trouble (D) *Edith Fellows*	Busman's Honeymoon (D) *R. Montgomery* *C. Cummings*	Queen of the Yukon (D) *Chas. Bickford* *Irene Rich*			Dance, Girl, Dance (D) *Maureen O'Hara* *Louis Haywood*	The Great Profile (C) *John Barrymore* *Mary B. Hughes*			Sea Hawk (D) *Errol Flynn* *Brenda Marshall*
Sept. 6				Rhythm on the River (M) *Bing Crosby* *Mary Martin*			Pier 13 *Lynn Barie* *Lloyd Nolan*		Swing With Bing (M) *Bing Crosby* *Andy Devine*	
Sept. 13	Wizard of Death (D) *Boris Karloff* *Evelyn Keyes*			Aldrich Family in Life With Henry (C) *Jackie Cooper*			Brigham Young (D) *Tyrone Power* *Linda Darnell*			

Variety . . .
Color . . .
Production
Value . . . that's
PARAMOUNT SHORTS

July 12
Grantland Rice Sportlight
"SINK OR SWIM"

July 19
Color Classic Cartoon
"SNUBBED BY A SNOB"

July 19
Headliner
PINKY TOMLIN
and his Orchestra

July 26
Stone Age Cartoon
"WAY BACK WHEN A RAZZBERRY WAS A FRUIT"

100%
BOX OFFICE TESTED

WE POINT with PRIDE!

"'Pride and Prejudice' riproaring comedy . . . plenty of real laughs . . . Not since 'Goodbye Mr. Chips' has Greer Garson had such a role." **—Louella O. Parsons, *Nationwide Columnist***

'Delightful . . . brought to life by one of the finest groups of characterizations in recent memory. The production by Hunt Stromberg is truly magnificent; the direction by Robert Z. Leonard marked with adroit master craftsmanship . . . Due for considerable boxoffice attention . . . Greer Garson exquisite." **—Hollywood Reporter**

'As up-to-the-minute as today . . . Well done and splendidly acted . . . Directed with skill."**—Box Office Magazine**

'An altogether delightful and moving romantic comedy . . . For the prospective audience of millions who have read and re-read Jane Austen's tale, there has been added the attractive lure of big marquee names." **—Motion Picture Daily**

'The cast guarantees good representation at the boxoffice." **—Showmen's Trade Review**

'Delightful comedy . . . offers two hours of charming entertainment . . . Robert Leonard turns out his most brilliant work . . . Greer Garson demonstrates again her stellar calibre . . . Laurence Olivier in a role as impressive as any he has played . . . This type of comedy should be most welcome and is calculated to please women especially." **—Daily Variety**

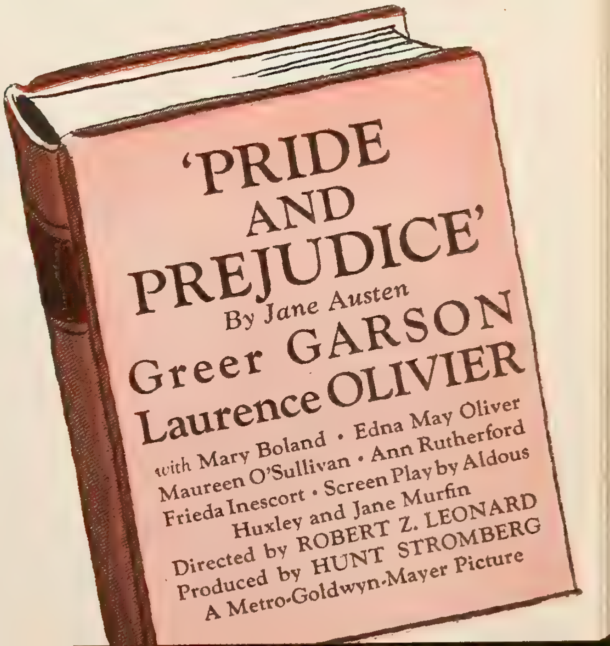
'Audiences are going to get a real lift out of this M-G-M production . . . Greer Garson's first real opportunity since 'Goodbye Mr. Chips.' Olivier in excellent form." **—Harrison Carroll, *Los Angeles Herald Express***

'One of the most charming pictures to reach screen in many months . . . Greer Garson reveals herself expert n characterizations glistening with comedy . . . Laurence Olivier is at his romantic best." **—Edwin Schallert, *Los Angeles Times***

'Lavishly mounted picturization of Jane Austen's famed novel." **—The Exhibitor**

'Handsome production . . . acted with consummate skill . . . performers at their best . . . Robert Z. Leonard has done a splendid job." **—Harry Mines, *Los Angeles News***

'Splendid entertainment; cast, production and direction topnotch." **—Film Daily**


'PRIDE AND PREJUDICE'
By Jane Austen
Greer GARSON
Laurence OLIVIER
with Mary Boland • Edna May Oliver
Maureen O'Sullivan • Ann Rutherford
Frieda Inescort • Screen Play by Aldous Huxley and Jane Murfin
Directed by ROBERT Z. LEONARD
Produced by HUNT STROMBERG
A Metro-Goldwyn-Mayer Picture

OPENS AUGUST 8th AT RADIO CITY MUSIC HALL

'Turnabout' Tops Frisco With $9,500

SAN FRANCISCO, July 24.—"Turnabout" drew $9,500 at the United Artists, for the best comparative gross, and "My Love Came Back" and "Flight Angels" scored $16,500 at the Fox.

Estimated takings for the week ending July 16-19:

"Curtain Call" (RKO)
GOLDEN GATE—(2,850) (39c-44c-55c) 7 days. Stage: vaudeville. Gross: $13,400. (Average, $15,000)
"Love, Honor and Oh Baby" (Univ.)
"I Married Adventure" (Col.)
ORPHEUM—(2,440) (15c-33c-39c-44c) 7 days. Gross $7,000. (Average, $8,000)
"My Love Came Back" (W.B.)
"Flight Angels" (W.B.)
FOX — (5,000) (15c-33c-39c-44c) 7 days. Gross: $16,500. (Average, $16,000)
"Queen of the Mob" (Para.)
"Untamed" (Para.)
PARAMOUNT—(2,740) (15c-33c-39c-44c) 7 days. Gross: $9,800. (Average, $11,500)
"Turnabout" (U.A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-50c) 7 days. Gross: $9,500. (Average, $8,000)
"A Fugitive from Justice" (W.B.)
"Andy Hardy Meets Debutante" (M-G-M)
ST. FRANCIS—(1,400) (15c-33c-39c-44c) 7 days, 2nd week. Gross: $5,600. (Average, $6,000)
"We Who are Young" (M-G-M)
"Sporting Blood" (M-G-M)
WARFIELD—(2,680) (15c-33c-39c-44c) 7 days. (Gross: $10,600. (Average, $12,000)
"The Baker's Wife" (Foreign)
CLAY—(400) (15c-39c-44c-55c) 7 days, 4th week. Gross: $2,500. (Average, $1,000)

'Heaven' Garners $15,000, Cleveland

CLEVELAND, July 24.—"All This, and Heaven Too" and "Andy Hardy Meets Debutante" made excellent showings, grossing $15,500 and $15,000 at Warners' Hippodrome and Loew's State, respectively.

Estimated grosses for the week ending July 18:

"Leopold Men of Africa" (St. Rts.)
ALLEN—(3,000) (33c-39c-47c) 7 days. Gross: $3,500. (Average, $4,000)
"All This, and Heaven Too" (W.B.)
WARNERS' HIPPODROME—(3,000) (33c-39c-47c) 7 days. Gross: $15,500. (Average, $11,000)
"The Man Who Talked Too Much" (W.B.)
RKO PALACE—(3,100) (33c-39c-47) 7 days. Gross: $3,500. (Average, $9,500)
"Andy Hardy Meets Debutante" (M-G-M)
LOEW'S STATE—(3,500) (33c-39c-47c) 7 days. Gross: $15,000. (Average, $11,000)
"Turnabout" (U. A.)
LOEW'S STILLMAN—(1,900) (33c-39c-47c) 7 days. Gross: $6,000. (Average, $4,000.)

'Hardy' at $10,000; New Haven Slumps

NEW HAVEN, July 24. — "Andy Hardy Meets Debutante" and "Phantom Raiders" took a strong $10,000 at the Loew-Poli. Business was slow otherwise. The weather was warm.

Estimated takings for the week ending July 18:

"New Moon" (M-G-M)
"The Saint's Double Trouble" (RKO)
COLLEGE—(1,499) (35c-50c, plus tax) 7 days, 2nd week. Gross: $2,100. (Average, $2,700)
"Andy Hardy Meets Debutante" (M-G-M)
"Phantom Raiders" (M-G-M)
LOEW-POLI—(3,040) (35c-50c, plus tax) 7 days. Gross: $10,000. (Average, $8,000)
"The Way of All Flesh" (Para.)
"French Without Tears" (Para.)
PARAMOUNT—(2,348) (35c-50c, plus tax) 7 days. Gross: $2,500. (Average, $4,000)
"My Love Came Back" (W. B.)
"The Saint Takes Over" (RKO)
ROGER SHERMAN—(2,200) (35c-50c, plus tax) 7 days. Gross: $3,400. (Average, $5,000)

TO SPEND $2,000,000 ON SHORT WAVE EXPANSION

Washington, July 24.—Short wave broadcasters will spend an additional $2,000,000 for more powerful transmitters, Neville Miller, president of the National Association of Broadcasters, has informed the State Department. Miller conferred with Thomas Burke, chief of the Division of International Communications, relative to world broadcasting, particularly to South America.

It was indicated that operating costs of the new transmitters would be more than $1,000,000 annually. Applications, now pending with the Federal Communications Commission for increased power, are expected to be granted soon. N.A.B. figures show that American short wave stations are broadcasting 13 hours and 19 minutes of news to Latin America every day, chiefly in Spanish, Portuguese and English. The total of broadcasting done by all American short wave stations to South America is 449 hours per week.

Former Berlin Leads War Drive by Canada Theatres

TORONTO, July 24.—The best individual record among the 975 Canadian exhibitors who participated in the recent Win the War Campaign which secured $1,000,000 for the Government's war fund was made by C. L. Stephenson, manager of the Century at Kitchener, Ont., which was once known as Berlin, after Germany's capital.

This was disclosed in the final statistics on the national theatre party for the war campaign, in which the 107 theatres of Toronto raised an average of $1,000 each.

Stephenson succeeded on selling $8,260 worth of War stamps at his 580-seat house, despite the fact that his small town had just been combed for contributions for purchase of a war tank. He raised $1,000 of this amount by selling his theatre marquee space to an advertiser for 24 hours.

Other outstanding records were made in the campaign. The Strand, St. John, N. B., unit of the Spencer circuit, turned in total sales of approximately $12,000. The Capitol at Ottawa, a Famous Players house, recorded sales of close to $10,000 for its 2,600 seats. The largest individual purchaser of war stamps is believed to be Finley McRae of Ottawa who made a purchase of $3,200 at the Capitol. McRae is a son-in-law of the late Harry Brouse, once a millionaire theatre operator.

Best showing for a small town was made by Chapleau in Northern Ontario, with a population of 800, many on relief. The Regent there, operated by A. Bucciarelli, collected $3,000 for its 300 seats.

Twelve New Pictures Approved by Legion

The National Legion of Decency for the current week has approved all of the 12 new films reviewed and classified, eight for general patronage and four for adults. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage: "Billy the Kid Outlawed," "Carolina Moon," "The Ladies Must Live," "One Man's Law," "Out West with the Peppers," "Scatterbrain," "Those Were the Days," "You're Not So Tough." Class A-2, Unobjectionable for adults: "Cross Country Romance," "Black Diamonds," "Millionaires in Prison," "We Who Are Young."

Credo Loses Plea

Referee John E. Joyce yesterday dismissed the petition of Credo Pictures, Inc., for an arrangement with creditors on the ground that Credo had failed to file a confirmation of the plan in time. The petition for an arrangement was filed March 6.

Official in Kentucky Raps Church Bingo

CINCINNATI, July 24.—Local exhibitors sense a potential rift in the competitive clouds through the possibility of a precedent being established in Ohio by the opinion of the Kentucky Attorney General regarding Bingo.

"It is a thousand times more reprehensible for religious and charitable groups to violate the gambling and lottery laws of this state by conducting Bingo games than for the ordinary individual to do so," declared Attorney General Jesse A. Lewis, at Frankfort, Ky., in reply to a letter from E. S. Lowe, Inc., New York, manufacturers of game paraphernalia, who inquired "whether Bingo games were legal in Kentucky if conducted by private persons or clubs, or if conducted by charitable organizations."

The Attorney General also pointed out that the State Constitution prevented his office from instituting criminal action, and that enforcement came solely within the jurisdiction of the Circuit and County Courts.

Here Today—a Garage Tomorrow

KANSAS CITY, July 24.—Fred L. Spear, veteran Kansas City press agent, recounts his theatre experience locally, as manager or exploitation man, along these lines:

Shubert, now a garage and parking lot; Garden, garbage; Orpheum, parking lot; Globe, parking; Grand Opera House, garage; Gayety, night club; Empress, parking station; Willis Wood, hotel; Doric, business; Auditorium, storehouse; Royal, store; Majestic, store; Century Missouri, dark.

WOR to Start FM Programs August 1

WOR's frequency modulation broadcasting from New York City begins Aug. 1 with a dedicatory program simultaneously over that station's standard channels and over W2XOR, new FM station.

Scheduled for 8 to 8:30 P.M., the program will open at Studio One, 1440 Broadway, with the WOR Symphony Orchestra. It will then shift to 444 Madison Ave. where [illegible] Driscol, director of special events, will describe the new equipment and interview J. R. Popelle, chief engineer. Alfred J. McCosker, WOR president, also will be heard.

Hearing Today on Wage Definitions

(*Continued from page* 1)

representatives of the companies had sought futilely to have the administrator make some sort of classification of the hundreds of studio jobs which require special aptitude, skill or training.

The major result of new definitions promised by Administrator Philip B. Fleming will be to relieve employers of the necessity of paying high salaried employes in the executive, administrative and professional jobs time and one-half their regular salary when they work more than 42 hours a week.

Ascap Non-Commital On Attitude of NBC

Ascap officials withheld formal comment yesterday on the letter sent to advertisers and agencies by Niles Trammell, NBC president, advising them that Ascap's new contract terms were not acceptable to the network and that no Ascap music would be broadcast by it after next Dec. 31. It was said that a statement may be made later.

One Ascap official, however, speaking informally, said: "None of these statements mean a thing, whether made by us or the networks. They will all be forgotten by next December. It's comical to see grown men go through this routine, but we all do it. It doesn't mean a thing because orchestra leaders will be playing our music on the radio after Dec. 31 as they are doing now. They will if they want to continue broadcasting."

News Bulletins Hit British Box-Offices

London, July 24.—The latest competitive factor facing British exhibitors is the evening news bulletin of BBC. The peak listening hour is 9 P. M., when a comprehensive bulletin is broadcast.

With patrons staying home or going to "pubs" to listen in, the box-office is suffering. The news agencies have refused to allow theatres to relay the bulletins at 6 and 9 P. M.

DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE
DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 19 NEW YORK, U. S. A., FRIDAY, JULY 26, 1940 TEN CENTS

Ask Labor Act Exemption for Top Employes

Studios Seek Definition For 4,556 Workers

WASHINGTON, July 25.—New definitions of the terms "executive," "administrative" and "professional" as used in the Fair Labor Standards Act were asked of the Wage-Hour division today by Homer I. Mitchell, representing the M.P.P.D.A., to clarify the status of an average of 4,556 studio employes whom the producers claim should be exempt from the hour provisions of the law.

Broader definitions also were asked by Joseph L. Miller, labor relations director of the National Association of Broadcasters.

George E. Bodle of Los Angeles, representing a number of the film guilds and unions; Joseph A. Padway of Washington, of the I.A.T.S.E., and Henry Jaffe of New York, representing the American Federation of Radio Artists, are expected to testify Monday.

The 4,556 studio employes of doubtful status, Mitchell told Harold Stein, assistant director of the hearings, are paid wages far above those of the "rank and file" for whose benefit the

(*Continued on page 6*)

'Daltons' Greeted In Coffeyville, Kan.

COFFEYVILLE, Kan., July 25.—Several thousand persons, including 150 exhibitors from Kansas, Missouri, Arkansas and Oklahoma, attended the celebration in connection with the world premiere of "When the Daltons Rode" at the Midland and Tackett theatres here today.

Universal representatives and players, including Andy Devine, Frank

(*Continued on page 6*)

Century Circuit Is Sued by 20th-Fox

A suit by 20th Century-Fox against the Century Circuit was disclosed in New York Supreme Court yesterday when the case was set for trial Sept. 23. The distributor seeks about $30,000 damages for an alleged failure by the circuit to play a number of pictures in some 25 houses and to pay for other films allegedly played but not paid for under a contract.

Proposals Confuse Even the Lawyers

"There is a feeling around," said one of the leading distributors, yesterday, in commenting upon the present consent decree discussions, "that nobody knows exactly what the provisions in the tentative draft mean—not even the lawyers themselves."

Clearer definition of the provisions, he stated, will have to be had before the decree can be agreed upon.

TheDisputed Section Four

Following is a summary of Section Four of the tentative draft of the proposed consent decree. This section was the subject of discussion yesterday between Government lawyers and company representatives.

Burden of proof rests upon the distributor to justify a refusal to grant any run to an exhibitor. An exhibitor whó asserts a claim under this section, if his claim is proved, may be awarded the product by order of the arbitrator. A distributor can't refuse to sell

(*Continued on page 6*)

DECREE CHANGES BEGUN; THEATRE MEN GIVEN VOICE

U. S. Invites Exhibitors To Submit Suggestions On Suit Settlement

By SAM SHAIN

The Pacific Coast Conference of Independent Theatre Owners, whose request for a voice in the Consent Decree discussions, a short time ago, was rebuffed by Washington, has now been invited to offer suggestions which it thinks the Government should try to have embraced in the proposed consent decree.

By this action, authorities state, the Government has removed National Allied as the sole adviser to the Department of Justice on exhibitor relations, in connection with the consent decree discussion.

This invitation to the PCCITO was made by letter from Paul Williams, special assistant to the Attorney General, and chief Government trial lawyer, in the anti-trust suit, to Robert H. Poole, executive secretary of the exhibitor organization.

(*Continued on page 6*)

Sections 1, 3, 4 and 6 Will Be Rewritten Due To Objections

Obliteration or complete rewriting of Sections 1 and 6, and perhaps Section 4, of the tentative draft of the proposed consent decree, will occur, according to some of the consent decree negotiators, as a result of the objections which have been made to these parts of the draft not only by Paramount's partners but also by other theatre men and even by distributors themselves.

No comment is forthcoming regarding the fate of Section 3, to which there also has been strong objection. Sections 1, 3 and 6 were outlined in yesterday's MOTION PICTURE DAILY. Section 1 relates to trade shows, Section 3 to unit selling in blocks of five, and Section 6 to discrimination in selling.

Government lawyers are optimistic about the situation and look for an early agreement on the decree. One of their spokesmen asserted last night that a complete understanding is possible within three or four days.

Section 4 covers availability of product. Under this section's provisions, the burden of proof for alleged withholding of product from an exhibitor who asserts a claim to such product, is upon the distributor. Also, the arbitrators may order the distributor to give the product to the complaining exhibitor, providing in doing so it is not adversely prejudicial to the distributor's business interests in the area involved and that the exhibitor satisfies minimum theatre standards of operation and is otherwise reputable and responsible. This section has been objected to by distributors as well as theatre men.

Paramount is described by spokesmen as having taken the best possible course open to it yesterday, and presented the partner's objections to the decree to the assembled negotiators. The two sessions held yesterday resulted in no conclusive action.

The negotiators met in the haze of

(*Continued on page 6*)

'Wind' Continues: Rodgers

"GONE WITH THE WIND" will not be withdrawn from the market at any time in the immediate future, William F. Rodgers, M-G-M general sales manager, said yesterday on his return to the home office from an extended business trip.

W. F. Rodgers

"The picture is still doing excellent business in many localities," he said. "There is no thought of withdrawing it before it has exhausted its possibilities at the present admission scales."

He declined to reveal the total gross of the film to date.

Rodgers reported that exhibitors throughout the country show a complete willingness to cooperate with distributors in obtaining better returns for top flight product by increasing admission prices or extending playing time when the product merits it.

He referred specifically to his experiences in discussing with first run operators their individual policies for "Boom Town," for which M-G-M is urging increased admission scales. Rodgers said he had encountered no opposition to the company's views.

Allied Information Group Starts Work

PHILADELPHIA, July 25.—The committee named at the recent national Allied convention to develop an exhibitor information service, met here yesterday at the offices of the Allied I.T.O. of Pennsylvania and adopted the name, Allied Information Department, to be designated as the AID.

The committee includes: Sidney E. Samuelson, Pennsylvania, chairman; Arthur K. Howard, Massachusetts; Don R. Rossiter, Indiana, and P. J. Wood, Ohio. Abram F. Myers, general counsel of national Allied, was named counsel to the committee. The committee formulated plans for gathering from exhibitors data relative to selling terms, which will be incorporated in reports for distribution to all members. The initial questionnaire will be sent out some time next month. The committee will meet again in September during the convention of Allied of New Jersey.

See New Exhibitor Unit in Minnesota

MINNEAPOLIS, July 25.—Formation of a new exhibitor organization in early September as a competitive organization to Northwest Allied, is reported in local theatrical circles.

The organization would consist of exhibitors who are dissatisfied with the new regime of Northwest Allied who came into control at the recent convention here. It is understood that the new organization will open its membership to any other members of Northwest Allied who may decide to leave that organization, as well as exhibitors without who do not belong to any other organization at all.

Cohn and Spingold At Columbia Studio

HOLLYWOOD, July 25.—Jack Cohn, Columbia vice-president, and Nate Spingold, home office executive, have arrived from New York for conferences with Harry Cohn, president.

A Warner First

Warners' "They Drive by Night" will be shown on the maiden voyage of the *America*, United States Lines ship, tomorrow night.

Lindy's INC.
RESTAURANTS
1626 BROADWAY 1655
(Next to the Rivoli Theatre) (51st Street Corner)
For over 20 years the luncheon and dinner place for Motion Picture People
Sole agents in New York for FAMOUS
BLUM'S ALMONDETTES
from
San Francisco, California

Personal Mention

MAURICE SILVERSTONE, United Artists chief executive, will leave for the Coast today for several weeks of conferences with company producers.

•

JERRY HOROWITZ of the Paramount home office will leave for Pennsylvania today for a vacation.

•

ANTHONY PETTI, assistant to J. CHEEVER COWDIN, returned yesterday from a three-weeks' vacation.

•

RALPH STITT, new director of advertising and publicity for United Detroit Theatres, leaves today for Detroit.

•

BEN S. AGREN, former Monogram controller, now with Producers Releasing Corp. here, was married last night to DOROTHY PERRIN. They will honeymoon in the Pocono Mountains. AGREN was given a dinner at Lindy's Wednesday evening.

•

DOUGLAS GEORGE, manager of the Windameer, Cleveland, is visiting here.

•

WILLIAM SCANLON, assistant at the Poli, Meridan, Conn., leaves this weekend for a two-week vacation.

•

GEORGE FREEMAN, manager of the Loew-Poli, Springfield, Mass., is vacationing in New Hampshire.

•

GEORGE SCHER of the United Artists home office is handling exploitation for Loew's State, Providence.

•

EDWARD L. REED, manager of the Strand, Providence, is on a 17-day fishing trip off Block Island.

•

ROBERT LIBBY, assistant at the Avon, Providence, has been promoted by the Lockwood & Gordon circuit to manage their Millerton, N. Y., house.

•

MAURICE and ARTHUR SILVERSTONE, HARRY BUCKLEY and MARVIN SCHENCK lunching at Lindy's (next to the Rivoli) yesterday.

MORRIS HELPRIN, production assistant to ALEXANDER KORDA, will leave for the Coast early next week.

•

ELMER BALABAN, brother of BARNEY BALABAN, has arrived in Hollywood from Chicago for a two-week visit.

•

MARTIN QUIGLEY, EDDIE CANTOR, IRVING BERLIN, SAM SHAIN, BEN SERKOWICH, JOSEPH PINCUS, MONTE PROSSER, MARTIN MOSKOWITZ, CHARLES GOETZ, LILI DAMITA, WALTER BACHELOR, GERTRUDE MERRIAM, SID GARY, RUBE JACKTER, ABE SCHNEIDER, FRED MEYERS, JOHN J. O'CONNOR, WILLIAM SUSSMAN and IRVING BARRY at Lindy's (51st St.) yesterday for lunch.

•

JOSEPH BERNES of the Sol Bernes Booking Exchange, Detroit, is visiting here.

•

ALEX SCHREIBER, president of Associated Theatres, Detroit, is a World's Fair visitor.

•

LOUIS GUIMOND, handling Canadian publicity for United Artists, has taken up permanent residence in Toronto.

•

FREDDIE SCHAEDER is here from Detroit on business.

•

LEO ABRAMS, W. J. HEINEMAN, VIRGINIA MORRIS, BUDD ROGERS, RORERT SAVINI, CHARLES PAINE, MAURICE BERGMAN, BERT MAYERS, J. J. JORDON, JEFFREY BERNERD and THOMAS LOACH lunching at the Tavern yesterday.

•

BAYARD VEILLER, ADOLPH ZUKOR, BARNEY BALABAN, LAUDY LAWRENCE, JOHN D. GOETZ, JR., CHARLES SONIN, SIDNEY PHILLIPS and JOHN GOLDEN lunching at Sardi's yesterday.

•

MRS. EDWARD ANSIN, wife of the Interstate Theatre Corp. head in Boston, is recovering at Beth Israel Hospital from an appendix operation.

•

IRVING MACK of Filmack Trailer Co., Chicago, is visiting here.

K-A-O Allows $1.75 Dividend for 1938

The board of directors of Keith-Albee-Orpheum Corp. yesterday declared a dividend, out of operating surplus, of $1.75 per share on the seven per cent cumulative convertible preferred stock for the quarter ended March 31, 1938, payable Oct. 1 to holders of record at the close of business Sept. 16, 1940.

Weigh 'Pastor Hall' Booking in Chicago

CHICAGO, July 25.—Balaban & Katz and United Artists officials are discussing a play date at a local theatre of the circuit for "Pastor Hall," English film which James Roosevelt is releasing through U. A., Roosevelt said here yesterday, while en route to the Coast. Present plans for the film call for simultaneous initial showings in a number of key cities, according to Roosevelt.

The picture is Roosevelt's first release through U.A. under his own banner. It was produced by Grand National in London.

Bernhard to Studio With Blumenstock

Joseph Bernhard, general manager of Warner Theatres, and Mort Blumenstock, in charge of Warners advertising and publicity in the East, leave tonight on the Stratoliner for the studios in Burbank. They will confer with Harry M. Warner, Jack L. Warner, Hal Wallis and Charles Einfeld on future product, and plan to return in about a week.

Jay Flippen Resigns As AGVA President

Jay Flippen has resigned as president of the American Guild of Variety Artists, it was disclosed yesterday. Dewey Barto of the "Hellzapoppin" cast will be acting president until the Guild's national board meeting Aug. 5, at which time he will be asked to continue in the office. Seven of 21 members of the New York executive board have resigned as a result of a factional dispute.

Newsreel Parade

THE July dog days produce little of outstanding newsworthiness in the newsreels, with war events subdued. Roosevelt and Willkie both get their share of the spotlight. The Pan-American conference highlights the foreign situation. Contents of the weekend issues follow:

MOVIETONE NEWS, No. 92—Roos[illegible] at Hyde Park. Willkie in Wyoming. [illegible] production of propellers in Hartford. Hong Kong evacuated. Royal jewels on auction in England. Fashion show at the Fair. New highway system in New York. Trotting at Goshen. Bull fight in Spain. Lew Lehr.

NEWS OF THE DAY, No. 290—Rumanian refugees in exodus. Evacuation of Hong Kong. Anzac troops in England. Railroad and drawbridge controversy in New York. Propeller plant in Hartford speeds production. Summer training at West Point. Love making taught in Virginia. Willkie at Wild West show.

PARAMOUNT NEWS, No. 95—Speed boat record in Utah. Pan-American conference in Havana. Aquatennial in Minneapolis. Drawbridge needed for only one boat on New York railroad line. Record wheat crop in Washington. Willkie at Cheyenne rodeo. Roosevelt honored by Hyde Park Odd Fellows. Britain's naval situation.

RKO PATHE NEWS, No. 107—Pan-American conference. Mussolini reviews troops in France. Refugees from Bessarabia in Bucharest. London tavern open despite raids. Italians lay mines in Mediterranean. Propeller production speeded in Hartford. Garner off for Texas. Railroad-bridge controversy in New York. Fire on Coast.

UNIVERSAL NEWSREEL, No. 896—Rush production of propellers in Hartford. West Point cadets in summer training. Air raid drill in New York. Mussolini reviews Alpine troops. Pan-American conference in Havana. Willkie at Cheyenne rodeo. Garner leaves for Texas home. Waitresses weigh 200 pounds in Houston stand. Italian mine layers in Mediterranean. Mules used in wheat harvest in Washington. Drawbridge costly to New York railroad. Ice skating in bathing suits in Atlantic City. Golfing on skis in Oregon.

Correction

Exhibitors have clipped *Motion Picture Daily's* review of M-G-M's "Sporting Blood," which appeared in the isue of July 10. Through an inadvertence the running time was listed as 58 minutes.

For the benefit of exhibitor readers, the running time of the film is 82 minutes.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938. at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

gossip:

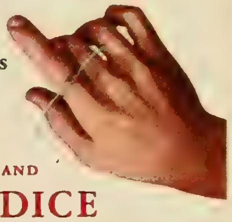
it tells how
pretty girls
t-e-a-s-e-d
men into
marriage!

PRIDE AND PREJUDICE

(M-G-M hit starring GREER GARSON & LAURENCE OLIVIER)

Coming Soon!

movie reminder:



the story of
those 5 sisters
in search of
husbands!

PRIDE AND PREJUDICE

(M-G-M hit starring GREER GARSON & LAURENCE OLIVIER)

Coming Soon!

Don't be a wallflower! Learn
how to attract men! See

PRIDE AND PREJUDICE

(M-G-M hit starring GREER GARSON & LAURENCE OLIVIER)

Coming Soon!

"It's time
you knew
about these
things, dear!"
You must see

PRIDE AND PREJUDICE

(M-G-M hit starring GREER GARSON & LAURENCE OLI

Coming Soon!

FUN ON THE SCREEN!

The delightful manner in which M-G-M has transferred the great novel and play to the screen is something to behold! Preview audiences gave their spontaneous and uproarious approval. Famed Radio City Music Hall booked it on sight! Your patrons will welcome it as part of M-G-M's campaign to "Keep America Smiling." Congratulations to all who helped make it and a special salute to Greer Garson and Laurence Olivier for performances that are worthy of her previous "Mrs. Chips" and his "Mr. Rebecca." Metro-Goldwyn-Mayer presents with pride—

Pride and Prejudice

Greer **GARSON** · *Laurence* **OLIVIER**

with **MARY BOLAND · EDNA MAY OLIVER · MAUREEN O'SULLIVAN · ANN RUTHERFORD · FRIEDA INESCORT**

Screen Play by Aldous Huxley and Jane Murfin • Directed by ROBERT Z. LEONARD • Produced by HUNT STROMBERG

Philadelphia Slow; 'Hardy' Pulls $18,600

PHILADELPHIA, July 25. — Grosses slumped this week with the weather again proving the competing factor. "Andy Hardy Meets Debutante" at the Stanley took $18,600.

Estimated takings for the week end[illegible] July 18-21:

"The Mortal Storm" (M-G-M)
ARCADIA—(600) (35c-46c-57c) 7 days, 2nd run, $4,000; 3 days holdover, $1,200. Gross: $5,200. (Average, 7 days, $2,600)

"New Moon" (M-G-M)
BOYD—(2,400) (35c-41c-46c-57c-68c) 7 days, 2nd week. Gross: $10,300. (Average, $13,000)

"Lillian Russell" (20th-Fox)
CARMAN — (2,500) (29c-35c-46c) subsequent run, 7 days, vaudeville: Polly Jenkins and her Plowboys, Two Vanderbilts, Paul Kirkland, Muriel Parker and Charles Fredericks, $6,600; 3 days holdover, $3,200. Gross: $9,800. (Average, 7 days, $5,200)

"Sporting Blood" (M-G-M)
EARLE—(4,000) (35c-46c-57c-68c) 7 days. Gross: $8,400. (Average, $14,000)

"The Ghost Breakers" (Para.)
FOX—(3,000) (35c-46c-57c-68c) 7 days, 2nd week. Gross: $9,700. (Average, $13,000)

"Four Sons" (20th-Fox)
"If I Had My Way" (Univ.)
KARLTON—(1,000) (35c-46c-57c-68c) 2nd run, 3 days, $1,200; 2nd run, 4 days, $1,600; 7 day average. Gross: $2,800. (Average, $3,000)

"Our Town" (U.A.)
KEITH'S — (2,200) (35c-46c-57c-68c) 2nd run, 7 days. Gross: $3,000. (Average, $4,500)

"Andy Hardy Meets Debutante" (M-G-M)
STANLEY—(3,700) (35c-41c-46c-57c-68c) 7 days. Gross: $18,600. (Average, $14,000)

"Confessions of a Nazi Spy" (W.B.)
STANTON—(1,700) (35c-46c-57c) revival, 7 days. Gross: $4,000. (Average, $4,500)

'21 Days' at $6,000; Providence Is Slow

PROVIDENCE, July 25.—In a week of Summer doldrums, the Strand's dual, "21 Days Together" and "Gangs of Chicago," was the only bill doing even average business, taking $6,000.

Estimated takings for the week ending July 17-18:

"Andy Hardy Meets Debutante" (M-G-M)
"Phantom Raiders" (M-G-M)
LOEW'S STATE—(3,232) (28c-39c-50c) 7 days, 2nd week. Gross: $6,800. (Average, $11,000)

"Maryland" (20th-Fox)
"Sailor's Lady" (20th-Fox)
MAJESTIC—(2,250) (28c-39c-50c) 7 days. Gross: $5,700. (Average, $7,000)

"21 Days Together" (Col.)
"Gangs of Chicago" (Rep.)
STRAND—(2,200) (28c-39c-50c) 7 days. Gross: $6,000. (Average, $6,000)

"Yukon Flight" (Mono.)
"You're Not So Tough" (Univ.)
FAY'S—(1,800) (15c-28c) 7 days. Gross: $2,500. (Average, $2,500)

"All This, and Heaven, Too" (W. B.)
CARLTON—(1,526) (28c-39c-50c) 7 days, 3rd week. Gross: $2,500. (Average, $3,500)

"Edison the Man" (M-G-M) (3 days)
"The Biscuit Eater" (Para.) (3 days)
"Waterloo Bridge" (M-G-M) (4 days)
"Brother Orchid" (W. B.) (4 days)
EMPIRE—(2,200) (20c-28c) 2nd run. Gross: $1,500. (Average, $1,700)

Para. Names Karp Freeman Assistant

HOLLYWOOD, July 25.—Jacob Karp, for the past 11 years with Paramount, and for the past five years head of the studio legal department at Paramount, has been appointed to the executive staff as assistant to Y. Frank Freeman and Henry Ginsberg in executive operation.

Karp will continue to supervise the studio legal department. He assumes his new duties immediately.

Feature Review

"Gold Rush Maisie"

(M-G-M)

HOLLYWOOD, July 25.—M-G-M's "Gold Rush Maisie," third of a series of pictures on the Wilson Collison character, is a sociological comedy based on efforts of Dust Bowl refugees to find gold in Arizona. "Maisie," again played by Ann Sothern, aids in the gold rush, and causes the would be miners' rehabilitation on newly created farms in that state.

The dialogue is sprightly, the comedy hilarious, and the acting, especially Miss Sothern's, is outstanding. Lee Bowman enacts the role of the rancher who, through "Maisie," offers to aid the Dust Bowl farmers. Slim Summerville, Virginia Weidler, Mary Nash, John F. Hamilton and others complete the cast.

Edwin L. Martin directed and J. Walter Ruben produced from a screenplay by Betty Reinhardt and Mary C. McCall, Jr.

Running time, 82 minutes. "G."*

VANCE KING

"G" denotes general classification.

Plan Religious Films For Church Showing

HOLLYWOOD, July 25.—Formation of a chain of thousands of churches throughout the United States for the showing of specially produced religious pictures is the goal of Charles Anson Bond, retired clothing manufacturer, now in Hollywood working out details of the program.

Bond expects to sign a deal shortly for the production of the first of a series of 52 three-reel subjects dealing with the life of Christ, in a continued serial story, and containing religious music.

Head of Biblical Photoplays, Inc., a Maryland corporation, Bond, founder of the Bond clothing stores, has become associated with Homer Rodeheaver, widely known evangelist and one time aide of the late Billy Sunday, in the project, for which he estimates there are 100,000 prospects among America's 210,000 churches.

The pictures will be 30 minutes long, opening with music and singing under the direction of Rodeheaver, followed by the serialized story of Christ's life, starting with his birth at Bethlehem.

A national sales organization, nucleus of which is a group of retired ministers, has been formed.

Cost to the churches will be $10 weekly.

Grosses Still Slow; $38,000 for 'Moon'

Broadway grosses, as was true in most major cities around the country, continued to suffer from the sweltering heat and humidity.

"New Moon," completing its first week of a two-week run at the Capitol yesterday, grossed an estimated $38,000. The Music Hall, where "All This, and Heaven Too" got off to a good start on its record fourth week yesterday, marked up a good $78,000 for the third week. "South of Pago Pago" is currently scheduled to follow "All This, and Heaven Too" at the Music Hall.

"Maryland," plus a stage show at the Roxy, completed a two-week run yesterday, grossing an estimated $20,000 for the second week. "Turnabout" opens at the theatre today.

"My Love Came Back," with Rudy Vallee and his Connecticut Yankees on the stage, cleared an estimated $24,000 in the second and final week at the Strand, ended yesterday. Today's new bill includes "They Drive by Night," with George Raft, star of the picture, making personal appearances throughout the run of the film, as part of the stage show. The latter features Will Osborn and his orchestra.

"Gone With the Wind" finished its 31st week at the Astor with an estimated gross of $7,700.

Late News Flashes from the Coast

Muni Dickering With 20th Century-Fox

HOLLYWOOD, July 25.—Paul Muni and 20th Century-Fox are negotiating a contract under which the former Warner star will sign for a number of films annually. With his agent, M. C. Levee, Muni spent the afternoon in conferences with Darryl F. Zanuck and other executives.

•

Y. Frank Freeman, president of the Producers' Association, today reported "definite progress" was made last night in a conference between the Screen Writers Guild and producer representatives on drawing terms of a tentative collective bargaining agreement. Several more meetings will be necessary before the agreement will be ready for presentation for final approval.

MUTUAL and virtually all local stations on Sunday from 2 to 2:30 P. M., Pacific Time, will carry a Red Cross Fund appeal program, participants in which will be Mary Pickford, John Beverly, Jack Larue, Odette Myrtil, Alicia Adams and possibly Virginia Bruce.

•

Frank Lloyd today purchased "Lady from Cheyenne" by Jonathan Finn and Theresa Oakes as a subject for his first feature for Universal under a deal calling for three pictures annually over two years. Production will start Oct. 15 with Carole Lombard in the title role, if available.

•

Franklin Warner, Fine Arts president, is expected to return to his duties next week following recovery from an appendectomy.

'Debutante' Is Top in Seattle, Takes $8,400

SEATTLE, July 25.—"Andy Hardy Meets Debutante" and "Phantom Raiders" at the Paramount scored $8,400, the only bill to do better than average. The weather was warm.

Estimated takings for the week ending July 19:

"Untamed" (Para.)
'Sandy Is a Lady" (Univ.)
BLUE MOUSE—(950) (25c-35c-50c) 7 days, 2nd week. Gross: $2,900. (Average, $4,000)

"New Moon" (M-G-M)
FIFTH AVENUE—(2,500) (25c-35c-50c-65c) 8 days, 2nd week. Gross: $6,500. (Average, $7,000)

"Turnabout" (U. A.)
LIBERTY—(1,800) (25c-35c-50c-65c) 7 days, 3rd week. Gross: $3,900. (Average, $5,000)

"The Mortal Storm" (M-G-M)
"Pop Always Pays" (RKO)
MUSIC BOX—(950) (25c-35c-50c-65c) 7 days, 3rd week. Gross $3,300. (Average, $4,000)

"You're Not So Tough" (Univ.)
"Anne of Windy Poplars" (RKO)
ORPHEUM—(2,450) (25c-35c-50c) 7 days. Gross: $5,200. (Average, $6,000)

"Tear Gas Squad" (W. B.)
PALOMAR—(1,500) (25c-35c-50c) 7 days. "Sunkist Vanities" on stage. Gross: $5,000. (Average, $5,000)

"Andy Hardy Meets Debutante" (M-G-M)
"Phantom Raiders" (M-G-M)
PARAMOUNT—(3,050) (25c-35c-50c) 7 days. Gross $8,400. (Averge, $6,000)

British Section in International Unit

The British Government has accepted an invitation to establish a British Section of the International Film Center on an experimental basis, according to the Center. The organization is a non-profit group, which has for its purpose the dissemination of educational films to foreign countries, and arranging for the international interchange of films.

The proposed British section would cooperate in bringing to this country and making available for general distribution British films of educational value. The International Film Center, an affiliate of the American Film Center, is endowed by the Rockefeller Foundation. Richard Ford has been named by the British Government to head the British Section. Donald Slesinger is executive secretary and active head of the American organization.

'Earthbound,' Hope $13,700 Hit in Omaha

OMAHA, July 25.—"Tom Brown's School Days" grossed $4,800 at the Brandeis.

A one-day personal appearance of Bob Hope helped boost the Orpheum's week to $13,700. The film was "Earthbound.'"

Estimated takings for the week ending July 17-18:

"Crcss Country Romance" (RKO)
BRANDEIS—(1.200) (30c-40c-44c) 7 days. Gross: $4,800. (Average, $4,000)

"Mortal Storm" (M-G-M)
"Manhattan Heartbeat" (20th-Fox)
OMAHA—(2,200) (30c-44c) 7 days. Gross: $6,200. (Average, $6,000)

"Earthbound" (20th-Fox)
ORPHEUM—(3,000) (30c-44c) 6 days. Plus one-day only of "House Across the Bay" (U. A.) and Bob Hope stage show. (55c-75c). Gross: $13,700. (Average, $7,200)

'The Rafters' Set as Film For Charity

HOLLYWOOD, July 25.—"The Rafters Ring" by Robert Stevenson was officially announced today as the subject for the all-star feature for American and British charities which will be produced by Stevenson, with George J. Schaefer, president of RKO, providing the finances and distribution at cost.

Production will start Aug. 19 at the Selznick International studios. Leander McCormick Goodhart of Langley Park, Wash., has agreed to serve as honorary trustee of the fund, with Dr. A. H. Giannini handling the proceeds allocated to American charities.

W. P. Lipscomb will act as coordinating writer, fusing story material contributed by A. J. Cronin, John Van Druten, James Hilton, Aldous Huxley, Claudine West, R. C. Sherriff and Dodie Smith, and will work with Alma Reville (Mrs. Alfred Hitchcock) on the screenplay.

Directors will include Edmund Goulding, Alfred Hitchcock, Zoltan Korda, Frank Lloyd, Victor Saville and Herbert Wilcox.

The story locale is London from 1780 to 2,000 A.D. It is told in a form of separate interrelated episodes. The story property was contemplated when Wilcox, a British producer, made an earlier announcement of the film in New York, but subsequently was abandoned when it was considered defeatist in tone. British actors will be used.

'Daltons' Greeted In Coffeyville, Kan.

(Continued from page 1)

Albertson, Constance Moore and Peggy Moran, with Director George Marshall arrived at noon from Kansas City and were welcomed by city officials and the city band. An old-time parade included some of the pioneer vehicles used in the days of the Daltons. High point of the afternoon celebration was the Pioneer Rodeo and Indian ceremonial. From KGGF here, the ceremonial was broadcast over six stations in the Kansas network and WHB, Kansas City.

Three hundred citizens and ranchers of Coffeyville and surrounding area were hosts at a community banquet at the Dale Hotel in the evening. From 8:30 to 9 P. M. stars made appearances at the Midland and from 9 to 9:30 at the Tackett. After the premiere came the Premiere Ball at Memorial Hall, attended by more than 2,000 persons.

New Haven Shows Held

NEW HAVEN, July 25.—Loew's Poli-Bijou here will continue vaudeville as long as business warrants. The theatre had planned to eliminate stage shows this week.

Gracie Fields Assigned

HOLLYWOOD, July 25.—Gracie Fields today was assigned a lead in "Hudson Bay Company," to be directed by Irving Pichel for 20th Century-Fox.

Decree Revisions Begin; Theatre Men Given Voice

U. S. Invites Exhibitors To Submit Suggestions On Suit Settlement

(Continued from page 1)

In his letter, sent yesterday, Williams states in part:

"When proposals for a consent decree have been placed in concrete form we shall communicate with you and obtain your views thereon. If you have any concrete suggestions which your organization believes should be embraced in a consent decree will you kindly forward them without delay."

This new stand of the Government's is a clear reversal of its former attitude. As late as Wednesday, in commenting upon the stand taken against the proposed draft of the decree by Paramount's theatre partners, Department of Justice representatives stated that exhibitors, not being party defendants to the suit, were therefore not to be consulted; also that exhibitors, for the most part, were engaged in intrastate rather than interstate commerce, and so not subject to Federal supervision.

Conference Trustees To Discuss Proposals.

SEATTLE, July 25.—A meeting of the board of trustees of the Pacific Coast Conference of Independent Theatre Owners will be held here Aug. 8 and 9 to discuss proposals which may be forwarded to the Department of Justice for consideration in its negotiations for a consent decree in settlement of the New York anti-trust suit.

The action is being taken at the invitation of Paul Williams, special assistant to the U. S. Attorney General, in reply to the organization's request for a voice in the negotiations.

Robert H. Poole, executive secretary, will come here from Los Angeles for the meeting.

Sections 1, 3, 4 and 6 Will Be Rewritten Due To Objections

(Continued from page 1)

battle smoke raised by the three-point attack upon the tentative draft by Paramount's partners, who represent approximately 1,250 theatres.

It has been revealed by theatre men of the major companies that not all of them look in the same way upon the provisions of the proposed consent decree as do the Paramount partners. Warner Bros.' theatre chieftains, however, are reported as taking the same view as the partners.

It has been learned since the first attack was made by the Paramount partners, that their representatives not only took the matter of their objections up with Paramount's home office executives but also had the opportunity of discussing them with Government lawyers.

Paramount Men Leave

R. B. Wilby, Carl Bamford, Hunter Perry, M. A. Lightman, Martin Mullin, Sam Pinanski and Nate Goldstein, Paramount theatre operators, left New York yesterday following home office conferences. E. V. Richards and Fred Kent will leave this weekend.

The Disputed Section Four

(Continued from page 1)

product on some run designated by the distributor if the exhibitor satisfies minimum theatre standards of operation and is reputable and responsible, unless the granting of a run on any terms to the complaining exhibitor will affect adversely the distributor's business interests in the area where the complaining exhibitor's theatre is located.

'New Moon' Draws $12,800 in Buffalo

BUFFALO, July 25.—Canadian horse racing across the river at the Fort Erie track cut into grosses here. "New Moon" at the Buffalo drew $12,800. "Untamed," aided at the Great Lakes by two personal appearances of the star, Patricia Morison, brought $6,800.

Estimated takings for the week ending July 20:

"New Moon" (M-G-M)
BUFFALO—(3,489) (35c-40c-60c) 7 days. D'Artega & orchestral ensemble in Rhythmic Reflections, with The Ben Yost Songquins, Bob Hannon, Nina Allen and Richard Warren. Gross: $12,800. (Average, $12,000)

"Untamed" (Para.)
"The Captain Is a Lady" (M-G-M)
GREAT LAKES—(3,000) (35c-55c) 7 days. Patricia Morison on stage in person Sat. & Sun. Gross: $6,800. (Average, $7,500)

"Leopard Men of Africa" (State Rights)
"Manhattan Heartbeat" (20th-Fox)
HIPPODROME—(2,100) (30c-40c) 7 days. Gross: $3,400. (Average, $6,800)

"Saturday's Children" (W.B.)
"Murder In the Air" (W.B.)
TWENTIETH CENTURY—(3,000) (30c-40c) 7 days. Gross: $6,800. (Average, $7,500)

"Zanzibar" (Univ.)
"Alias The Deacon" (Univ.)
LAFAYETTE—(3,000) (30c-40c) 7 days. Gross: $3,000. (Average, $6,300)

'Heaven' at $17,300 Leads in Cincinnati

CINCINNATI, July 25.—"All This, and Heaven Too" gave the RKO Albee a good $17,300. "Andy Hardy Meets Debutante" drew $9,200 in the second week at the RKO Palace. The weather was pleasantly cool.

Estimated takings for the week ending July 17-20:

"All This, and Heaven Too" (W. B.)
RKO ALBEE—(3,300) (39c-47c) 7 days. Gross: $17,300. (Average, $12,000)

"Andy Hardy Meets Debutante" (M-G-M)
RKO PALACE—(2,700) (39c-47c) 7 days, 2nd week. Gross: $9,200. (Average, $10,000)

"Sporting Blood" (M-G-M)
RKO CAPITOL—(2,000) (39c-47c) 7 days. Gross: $3,200. (Average, $6,500)

"Private Affairs" (Univ.)
RKO LYRIC—(1,400) (33c-42c) 7 days. Gross: $3,000. (Average, $5,000)

"Sky Bandits" (Mono.)
"Gambling on the High Seas" (W. B.)
RKO FAMILY—(1,000) (15c-28c) 4 days. Gross: $1,300. (Average, $1,500)

"Prairie Law" (RKO)
"Charlie Chan's Murder Case" (20th-Fox)
RKO FAMILY—(1,000) (15c-28c) 3 days. Gross: $800. (Average, $900)

"Four Sons" (20th-Fox)
KEITH'S—(1,500) (39c-47c) 7 days. Gross: $4,500. (Average, $6,000)

Ask Labor Act Exemption for Top Employes

(Continued from page 1)

law was enacted and are in important key positions, but many of them could not qualify for exemption under the restrictive terms of the present definitions.

He recommended that the definiti[illegible] of professional workers be amended to include persons engaged in work of original and creative character, to take care of actors, writers, directors, artists and similar employes, and that the definition of administrative workers be broadened so as to include persons who are essential members of the staff of a head of a production department, unit or division and whose hours, because of special or technical knowledge pertinent to the particular production process, cannot be restricted without hindering, reducing or delaying production.

Mitchell testified that the producers have no objection to application of the law to persons of positions of less than major responsibility, and that they are treating many employees who receive substantial salaries as coming under the Wage-Hour Act. However, he said, out of average employment of 18,541 persons in studios for which he gave detailed information, there are an average of 832 who are admittedly exempt and 4,556 whom the companies consider exempt but regarding whom there may be some dispute.

Speaking for the N.A.B., Miller said that employment in the average broadcasting station is small compared with most industrial establishments, and because most stations run on restricted budgets it is more or less common practice for executives to participate in actual operation of the stations during lunch periods or at other times.

Under the present definition, Miller said, where an executive spells an engineer or other employe he may lose his exempt status. Approximately 1,500 employes would be affected by the proposed elimination of the restriction against an executive doing any "substantial amount" of work of similar nature to that performed by non-exempt employes.

Indianapolis Gives 'Heaven' Big $9,500

INDIANAPOLIS, July 25—"All This, and Heaven Too" led the town with $9,500 at the Circle, while "Andy Hardy Meets Debutante" and "The Captain Is a Lady" in the second week at Loew's drew $6,800.

Estimated takings for the week ending July 19:

"All This, and Heaven Too" (W.B.)
CIRCLE — (2,800) (28c-33c-44c) 7 days. Gross: $9,500. (Average, $6,000)

"Andy Hardy Meets Debutante" (M-G-M)
"The Captain Is a Lady" (M-G-M)
LOEW'S—(2,800) (28c-33c-44c) 7 days, 2nd week. Gross: $6,800. (Average $7,000).

"Manhattan Heartbeat" (20th-Fox)
LYRIC — (2,000) (28c-33c-44c) 7 days. Stage: Variety Hit Parade, with Reynolds & White, Milt Douglas, Singing Marines, DeVal-Merle & Dee, Chilton & Thomas, Six Hoffmans. Gross: $6,500. (Average, $8,000)

WASHINGTON: BOX-OFFICE REPORTS BIGGEST OPENING DAY SINCE "SNOW WHITE"!

"Stirring, Challenging, Memorable, Inspiring"... say Washington press, government leaders, critics, columnists and others who witnessed the World Premiere of "The Ramparts We Watch".

Released by
RKO
RADIO
PICTURES

"A strikingly different and challenging motion picture—an encouraging and provocative spectacle. The story has drama, poignance, humor, movement. An inspired lesson from history reduced to the simple intimacy of the family album. 100% timely today."

Jay Carmody, Washington Star

" 'The Ramparts We Watch' is timely to a split second—chronicled with an impact that is stunning—vastly inspiring in its inescapable reminder of the capacity, the courage and the greatness of a unified America. It was spontaneously cheered by the audience."

Nelson B. Bell, Washington Post

"It is marvelous. I enjoyed every minute of it."

Major General T. Holcomb,
Commandant of U. S. Marine Corps

"A moving, prophetic, significant story. No American who sees it will ever forget it."

Major George Fielding Eliot

"A magnificent success as a complete, accurate and stirring presentation of the events of 1914-18. This is a picture that American youth must see. It will make them think."

Charles W. Taussig,
Chmn. National Advisory Comm. NYA

"... deeply impressive."

Senator George W. Norris

" 'The Ramparts' is an utterly true picture of the most exciting period of American history. To those who lived through the great war, the emotion this picture brings is so personal as to be an intimate experience. It is exactly what each of us saw and heard and felt."

Mark Sullivan

"THE RAMPARTS WE WATCH"

FIRST FEATURE PICTURE PRODUCED BY THE MARCH OF TIME

'Heaven' Gets Good $17,000, Leads Boston

BOSTON, July 25.—"All This, and Heaven, Too" and "Pop Always Pays" at the Metropolitan drew $17,000, best in only a fair week. "Susan and God" and "Turnabout" took $12,000 at Loew's State and $18,000 at Loew's Orpheum.

Estimated takings for the week ending July 17:

"Sailor's Lady" (20th-Fox)
"Hot Steel" (Univ.)
KEITH BOSTON—(3,200) (15c-20c-39c-44c) 7 days. Gross: $5,800. (Average, $8,000)
"Saps at Sea" (Univ.)
"One Million B. C." (U. A.)
KEITH MEMORIAL—(2,907) (28c-39c-44c-55c) 7 days. Gross: $11,000. (Average, $16,000)
"All This, and Heaven, Too" (W. B.)
"Pop Always Pays" (RKO)
METROPOLITAN—(4,367) (28c-39c-44c-55c) 7 days. Gross: $17,000. (Average, $15,500)
"The Ghost Breakers" (Para.)
"Three Faces West" (W. B.)
PARAMOUNT—(1,797) (28c-39c-44c-55c) 7 days. Gross: $7,500. (Average, $7,500)
"The Ghost Breakers" (Para.)
"Three Faces West" (W. B.)
FENWAY—(1,320) (28c-39c-44c-55c) 7 days. Gross: $5,300. (Average, $4,500)
"Four Sons" (20th-Fox)
"Man Who Talked Too Much" (W. B.)
SCOLLAY—(2,500) (28c-39c-44c-50c) 7 days. Gross: $3,000. (Average, $4,000)
"Susan and God" (M-G-M)
"Turnabout" (U. A.)
LOEW'S STATE—(3,000) (28c-39c-44c-55c) 7 days. Gross: $12,000. (Average, $12,000)
"Susan and God" (M-G-M)
"Turnabout" (U. A.)
LOEW'S ORPHEUM—(2,900) (28c-39c-44c-55c) 7 days. Gross: $18,000. (Average, $17,500)

'Beau Geste' Draws $8,000 in Montreal

MONTREAL, July 25.—"Beau Geste," finally released by the censors, took $8,000 at the Palace. Second week of "The Mortal Storm" brought $6,800 to Loew's. The war benefit show hurt all grosses.

Estimated takings for the week ending July 19:

"Private Affairs" (Univ.)
"I Can't Give You Anything but Love" (Univ.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $6,900. (Average, $8,000)
"The Mortal Storm" (M-G-M)
LOEW'S—(2,800) (30c-50c-60c) 7 days, 2nd week. Gross: $6,800. (Average, $8,000)
"A Family of Nations" (U. A.)
"City of Chance" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $3,800. (Average, $5,000)
"Beau Geste" (Para.)
"The Ghost Breakers" (Para.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $8.000. (Average, $9,000)
"The Captain Is a Lady" (M-G-M)
"Gambling on the High Seas" (W. B.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $3,500. (Average, $5,000)

Sues Over French Film

Suit for an injunction has been filed in N. Y. Supreme Court by Arthur Ziehm, Inc., against Leo Films, Inc.. to restrain the defendant from allegedly distributing in U. S. the French film "Serenade," starring Lillian Harvey.

Malverne May Get House

MALVERNE, L. I., July 25.—The village board here is considering a proposal by a group of business men and Ole Olsen of "Hellzapoppin" to build a 600-seat theatre.

Short Subject Reviews

"Deadwood Dick"

(*Columbia*)

Here's a serial which should delight the heart of any youngster, and perhaps more than a few adults with an undying love of action in their screen diet. Recounting the story of the famed character of the old West, this serial will follow him through his efforts to clean up the desperados who are preying upon the good people of Deadwood Gulch in the old Dakota territory. Don Douglas has the title role, supported by Lorna Gray, for romance; Harry Harvey, Marion Sais, as Calamity Jane; Lane Chandler, as Wild Bill Hickok. James W. Horne directed. Subsequent episodes will run about 20 minutes each. This first episode runs 32 minutes.

"Stranger Than Fiction, No. 79"

(*Universal*)

Six unusual subjects comprise this short. Leading off is a blind man who acts as guide at Fort McHenry. Following are buses in Tokyo which are operated by charcoal, the use of silk stockings in painting, a house of strange architectural design, a tree that pumps water and the making of miniature war planes. Average fare. Running time, 9 mins.

"Matty Malneck and His Band"

(*Warners*)

The orchestra renders swiftly a varied group of songs in this musical short, without a word of dialogue. Such tunes as "Park Avenue Fantasy," "Hawaii," "El Rancho Grande" and others are heard. Violin solos by Malneck are good. Running time, 10 mins.

"Famous Movie Dogs"

(*Warners*)

This is a Color Parade short of diversified interest which concerns screen dogs. Asta of the "Thin Man" series and various others appear. The short shows the owners applying for film roles for their dogs. Two are chosen, the owners given a script and the dogs trained. The actual shooting of a scene with the dogs taking part is remarkable. Running time, 10 mins.

"Stranger Than Fiction, No. 80"

(*Universal*)

Presented here are an interesting array of items, most ingenious of which is the use of toothpicks in constructing miniature models of engineering projects. Also shown are a girl attending a welding school, a young feminine "Tarzan," mass production of key holders by a home-built machine, using discarded tubes to make rain capes and bath mats, and a miniature railroad. Running time, 8 mins.

"Little Blabbermouse"

(*Warners*)

This "Merrie Melody" tells of a sightseeing tour in a drug store conducted for mice. Such objects as vanishing cream jars which actually vanish are seen by the tourists. The tour suddenly ends, however, with the appearance of a cat. Good. Running time, 7 mins.

"Young America Flies"

(*Warners*)

A typical instance in the widely publicized undertaking of the Civil Aeronautics Authority, that of training a group of college students, is expertly dramatized with Jean Parker, Donald Woods, William Lundigan, Henry O'Neill and William Orr handling the principal assignments. Produced with CAA cooperation, the film directly outlines the fundamental phases of air instruction, as it traces the activities of the group from enrollment to solo flying. The short is significant and interesting. Running time, 22 mins.

"Patient Porky"

(*Warners*)

Produced by Leon Schlesinger, this "Looney Tune" should find favor with the children. Porky Pig enters a hospital with a stomach ache. There he finds among the patients a crackpot cat who insists upon operating on Porky. The latter finally escapes. A colored elevator operator who announces the ailments treated on each floor, in department store fashion, is amusing. Running time, 7 mins.

"Shark Hunting"

(*Warners*)

A small group including Howard Hill, noted archer, in the Errol Flynn yacht, *Sirocco*, hunts sharks. Hill first demonstrates his ability with the bow and arrow. Two exciting sequences follow when the sharks appear. The last shot, showing a shark turning over a small boat and the occupants being saved by Hill's arrow is said to have been unexpected, and not in the script. Running time, 10 mins.

'Conga' and Bernie $13,000, Milwaukee

MILWAUKEE, Juyl 25.—"La Conga Nights" with Ben Bernie on the stage drew $13,000 at the Riverside. "All This, and Heaven Too" took $10,000 at the Warner. Competition came from the seventh annual Midsummer Festival at the lake front.

Estimated takings for the week ending July 17-18:

"All This, and Heaven Too" (W. B.)
WARNER—(2,400) (30c-40c-55c, tax included) 7 days. Gross: $10,000. (Average, $4,500)
"Untamed" (Para.)
"Military Academy" (Col.)
PALACE—(2,400) (30c-40c-55c, tax included) 7 days. Gross: $4,000. (Average, $4,000)
"La Conga Nights" (Univ.)
RIVERSIDE—(2,700) (33c-44c-55c, tax included) 7 days. Stage: Ben Bernie. Gross: $13,000. (Average, $6,500)
"Andy Hardy Meets Debutante" (M-G-M)
"Four Sons" (20th-Fox)
STRAND—(1,400) (30c-40c-55c), tax included) 7 days. Gross: $1,300. (Average, $1,500)
"Maryland" (20th-Fox)
"Manhattan Heartbeat" (20th-Fox)
WISCONSIN—(3,200) (30c-40c-55c, tax included) 7 days. Gross: $5,800. (Average, $5,500)

To Film Odets Play

A film version of the Clifford Odets play, "Night Music", will be the next production by the David L. Loew-Albert Lewin Co., which releases through United Artists. Russell Birdwell & Associates handles advertising and publicity for the producer.

'Hardy' Pulls Fine $46,000, Best in Loop

CHICAGO, July 25.—"Andy Hardy" Meets Debutante" was the leader at the Chicago with $46,000, with Jan Sovitt and his band on the stage. "Isle of Doomed Men" and Andy Kirk's band with Buck and Bubbles on the stage of the Oriental, drew $18,000.

Estimated takings for the week ending July 19:

"Mortal Storm" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 6 days. Gross: $4,500. (Average, $6,500)
"Andy Hardy Meets Debutante" (M-G-M)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Jan Sovitt and Band. Gross: $46,000. (Average, $32,000)
"Favorite Wife" (RKO)
GARRICK—(1,000) (35c-55c-75c) 6 days. Gross: $7,500. (Average, $5,000)
"Isle of Doomed Men" (Col.)
ORIENTAL—(3,200) (25c-40c) 7 days. Stage: Andy Kirk Band & Buck & Bubbles. Gross: $18,000. (Average, $13,000)
"Brother Orchid" (W. B.)
ROOSEVELT—(1,500) (35c-55c-75c) 7 days. Gross: $7,500. (Average, $11,000)
"Strange Cargo" (M-G-M)
STATE-LAKE—(2,700) (25c-40c) 7 days. Stage: Bernie Cummins & Band. Hattie McDaniel and Sammy White. Gross: $17,000. (Average, $15,000)
"New Moon" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross $12,500. (Average, $14,000)
"Gone With the Wind" (M-G-M)
WOODS—(1,100) (75c-$1.10-$1.50) 7 days, 25th week. Gross: $6,000.

'Outsider,' Scandals $27,000; Detroit Off

DETROIT, July 25.—"The Outsider" and a condensed stage version of the "George White's Scandals of 1940" grossed $27,000 at the Fox. Other downtown theatres were average or below.

Estimated takings for the week ending July 18:

"Sailor's Lady" (20th-Fox)
"Girl in 313" (20th-Fox)
ADAMS—(1,600) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)
"Typhoon" (Para.)
"Brother Orchid" (W. B.)
FISHER—(2,700) (15c-44c) 7 days. Gross: $6,000. (Average, $7,000)
"The Outsider" (Alliance)
FOX—(5,000) (15c-55c-65c) 7 days. Stage: "George White's Scandals." Gross: $27,000. (Average, $15,000)
"All This, and Heaven, Too" (W. B.)
"Pop Always Pays" (RKO)
MICHIGAN—(4,000) (15c-55c-65c) 7 days. Gross: $12,000. (Average, $12,000)
"Andy Hardy Meets Debutante" (M-G-M)
"Over the Moon" (U. A.)
PALMS—(2,000) (15c-55c) 7 days. Gross: $6,800. (Average, $7,000)
"New Moon" (M-G-M)
"A Bill of Divorcement" (RKO)
UNITED ARTISTS—(2,000) (15c-39c-55c) 7 days. Gross: $9,000. (Average, $10,000)

British Columbia Has No Problem on 16mm.

VANCOUVER, B. C., July 25. — In British Columbia there is no real 16mm. exhibition problem for theatres, since provincial law forbids such operation within 12 miles of any licensed theatre. Certain types of advertising shows and benefits are allowed to use features, but this type of exhibition has little, if any, effect on established theatres.

In British Columbia there are not more than three or four individuals who exhibit 16mm. product commercially, and these operations are confined to a limited number of remote communities.

"Investment"

▪ ▪ ▪ "THE WRITER HAS BEEN A SUBSCRIBER TO MOTION PICTURE HERALD FOR YEARS AND YOUR BETTER THEATRES SECTION, IN MY OPINION, REPRESENTS A GENUINE INVESTMENT TO THEATRE OWNERS." ▪ ▪ ▪ ▪

C. E. "DOC" COOK
General Manager

TIVOLI THEATRE
MARYVILLE, MO.

MOTION PICTURE HERALD, $5.00 *a year Domestic;* $10.00 *Foreign; 52 issues with which is combined* BETTER THEATRES, 13 *issues yearly.*

MOTION PICTURE HERALD

ROCKEFELLER CENTER NEW YORK

Court Forbids Air Restriction On Disc Sales

The U. S. Circuit Court of Appeals yesterday ruled that no restriction could be placed on the sale of records to prevent the use of these records by radio stations for broadcasting purposes.

In a 10-page opinion by Judge Learned Hand, the court reversed a decision of Federal Judge Vincent T. Leibell which had granted an injunction to RCA Manufacturing Co., Inc., restraining WBO Broadcasting Corp. and Elin, Inc., from the use of recorded renditions of Paul Whiteman's band for broadcasting purposes. The court also vacated an injunction granted to Whiteman and Elin which had been based on Whiteman's assertion that the playing of his records constituted "unfair competition" with his orchestra.

The court stated Whiteman had brought his action against WBO and Elin for an injunction and that RCA had filed an ancillary suit which named the two defendants and Whiteman and which had in turn demanded an injunction for an adjudication that Whiteman had transferred his rights in the records to RCA under a contract. Judge Hand asserted that the printing of a notice on the records to the effect that they could not be used for broadcasting purposes but solely for "non-commercial use on phonographs in homes" could not be enforced as his restriction on the use of these records.

The court disposed of three arguments raised by RCA and Whiteman: (1) that the use of records for broadcasting purposes was barred by reason of the "common-law property" that the artist has in his performances; (2) that it was barred by reason of copyright laws, and (3) that it was unfair competition to broadcast these records.

Film Comedy Series Planned by Museum

"Forty Years of American Film Comedy," a series of outstanding comedies dating back to 1900, will be presented at the Museum of Modern Art, 11 West 53 St., starting Aug. 1 and continuing through September. The pictures will be divided into 15 separate programs, each consisting of a number of shorts or one or two features. Showings will be at 4 P. M. daily and at 2 and 4 P. M. on Sundays.

The series will include comedies starring Mr. and Mrs. Sidney Drew, John Bunny, Flora Finch, Clara Kimball Young, the Marx Brothers, Robert Benchley, Harold Young, Buster Keaton, Douglas Fairbanks and many others.

Opens Cincinnati House

CINCINNATI, July 25. — Maurice Chase, who previously operated an independent exchange here under his name, has opened the 440-seat Roselawn in the suburb of Roselawn. Policy is on a grind basis, evenings and Saturday and Sunday matinees, at 25 cents admission. Chase also operates the suburban Avon, and is interested in a house at Columbus, O.

Off the Antenna

FILMS will again dominate NBC's television broadcasts next week. The schedule in addition to the films includes: Sunday, a program from the Fair including a variety show from the RCA exhibit; Monday, boxing at the Jamaica arena; Tuesday, Sunoco News with Lowell Thomas and a program of Latin American vocal and dance numbers, and Wednesday, an aircraft exposition at the Fair and a variety program of music, comedy and drama.

• • •

Two new affiliates will be added to NBC, bringing that network's total to 195 stations. WCBS, Springfield, Ill., affiliated with the Illinois State Journal, will join Aug. 1, and WAKR, a new station in Akron, O., owned by Summit Radio Corp., Oct. 1.

• • •

Program News: *"Rainbow House," conducted by Bob Emery over WOR, on Sunday will dramatize "The White Lie," juvenile opus by P. K. Thomajan recently published by Ritten House of Philadelphia. . . . "Crime Doctor" will replace the Philip Morris musical programs over CBS Sunday,* 8:30 *to* 8:55 *P. M., for the same sponsor. Starting Aug.* 4, *the programs will feature cash awards. . . . A weekly song series starring Jack Kitty starts over WOR this Sunday at* 1:30 *P. M. Time of the program in the future will depend on baseball broadcasts.*

• • •

Rapid Results Department: On July 8 the Federal Life and Casualty Co. launched a series of 100-word announcements over WABC's "Rising Sun" program on which a booklet was offered. In response, the company received 1,200 written requests and 50 telephone calls for the offering. As a result the insurance company will sponsor another program over WABC, Zeke Manners and His Gang, on Sunday 11:15 to 11:30 A. M. Green-Brodie is the agency.

• • •

Purely Personal: *Bob Coleson, radio director of the Golden Gate Exposition, is deep in preparations with representatives of all three networks for the forthcoming Broadcasters Day, Aug. 3. . . . Jess Goodman of Paramount is conducting a movie quiz program over WEVD daily as Jeb Stuart. . . . Mary York, vocalist, joins the staff of WNEW Aug. 3.*

• • •

An NBC sales department survey started on Feb. 8 in which 1,425,000 questionnaires were sent to radio families in every county in New York State reveals that 89.1 per cent listen to the Red network regularly at night and 74.7 during the day, it is said. In response to the query which network is listened to most, the NBC Red was preferred by 41.7 at night and by 36.8 during the day. A total of 166,000 replies were tabulated by Hooper.

Theatre Changes

Reopen Cincinnati Royal

CINCINNATI, July 25.—The 280-seat Royal, downtown subsequent run unit of the local Associated Theatres, Inc., headed by F. W. Huss, Jr., has reopened after having been completely remodeled. Admission scale is 10 and 15 cents for matinee and night, respectively.

Opens Cincinnati Suburban

HAMILTON, O., July 25. — Miles Vance, who until recently operated the suburban Crescent in Cincinnati, has opened the new 400-seat Linden, subsequent run, in suburban Lindenwald. Policy will be evening, Saturday and Sunday operation at a 20-cent scale.

Schenectady House Closes

SCHENECTADY, N. Y., July 25.—The New Metro, subsequent run house recently taken over by Robert Boradakin, New York City exhibitor, has closed indefinitely.

Air-Conditioning Theatre

STAAMORD, Conn., July 25.—Samuel Weiss, operator of the 1,272-seat Stamford, is having the house air-conditioned.

Close Theatre in Iowa

ESTHERVILLE, Ia., July 25. — The Furstnows have closed their Hollywood theatre here.

Minnesota Remodeling Program

MINNEAPOLIS, July 25.—An extensive remodeling and renovating program is planned by the Minnesota Amusement Co. It will involve the Garrick and Lyric, Duluth; Garden, Hibbing; Moorhead, Moorhead; Minnesota here and Grand, Mankato, Minn.

Opens Kansas Theatre

KANSAS CITY, July 25. — Horace Randall, who operates the Community, Spring Hill, Kan., has opened the Desoto at Desoto, Kan.

Little Rock Drive-In Ready

LITTLE ROCK, Ark., July 25.—Officials of the Mid-South Theatres of Memphis, plan to open on Aug. 1 an open air, drive-in theatre near here.

Renovate Wisconsin House

TWO RIVERS, Wis., July 25.—Modernization of A. C. Berholtz's Rivoli here has been completed. The house has been redecorated and a new front installed.

Move Frisco Manager

SAN FRANCISCO, July 25.—John Kerr, former manager of the Larkin, has been shifted to the Clay International, foreign language house. Both theatres are operated by Herbert Rosener, Inc.

FCC Allows Three Permits On Television

WASHINGTON, July 25.—Granting three more television station permits, the Federal Communications Commission today authorized construction of a new station in Philadelphia by WCAU Broadcasting Co., to opera[illegible] on the 84,-90,000 kilocycle chan[illegible] with 1,000 watt aural and visual power.

It also approved construction of stations not to engage in public program service by Purdue University, West Lafayette, Ind., and the State University of Iowa, Iowa City.

The Purdue station will operate on the 66,000-72,000 kilocycle channel with 750 watts aural and visual power, and the Iowa City station will operate on both the 50,000-56,000 and 210,000-216,000 kilocycle channels with 100 watts visual only.

The WCAU station is to experiment with 441 to 729 lines and 15 to 30 frames along a line of research which will include use of both FM and AM and comparison of vertical and horizonal polarization.

Minneapolis Radio Rule to Be Revoked

MINNEAPOLIS, July 25.—Efforts to revoke the jurisdiction of the City of Minneapolis over the eight radio stations in the city, despite the controlling powers of the FCC, will soon materialize.

In a petition presented to the City Council by the Northwest Division of the National Association of Broadcasters and the Association of Twin City Newspapers and Radio Stations, the 1927 ordinance which vests the power in the city is characterized as obsolete, hence invalid.

In view of Federal control, a Council committee has agreed to recommend repeal as of May 1, 1941, so that license fees which the city has been collecting will also be paid for the current year.

'Voyage Home' Art Goes to Museums

Eleven paintings by famous artists of scenes from the Walter Wanger-United Artists film, "The Long Voyage Home," made during the filming of the picture, will be exhibited for two years in a traveling show.

The first exhibit will be held here from Aug. 15 to Sept. 12 at the Associated American Artists Galleries. It is expected the collection will be shown in 40 museums across the country.

'Ramparts' in Washington

WASHINGTON, July 25.—"The Ramparts We Watch," March of Time film, was shown at the White House tonight with representatives of the company and members of the cast attending.

55th Street Closing

The 55th Street Playhouse will close its season of French films on Sunday, planning to reopen on Labor Day with "Shubert's Serenade," French film.

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 20 NEW YORK, U. S. A., MONDAY, JULY 29, 1940 TEN CENTS

'U' Gets Loan Of $1,500,000 For Five Years

To Retire Mortgage and Provide Capital

Arrangements for a $1,500,000 loan will be concluded by Universal with the First National Bank of Boston today. The term of the loan will be five years.

Of the total $1,000,000 will be used to retire a mortgage of that amount on the Universal studio properties. The mortgage is held by Consolidated Film Laboratories. The balance of the loan will provide additional working capital for the company.

Universal's earnings for the current fiscal year are continuing at a steady rate of improvement over recent years, maintaining a trend established with the advent of the company's new management, headed by Nate J. Blumberg, early in 1937. The company's net profit for the 39 weeks ended Saturday is estimated in financial quarters to be in excess of $1,700,000, giving the company an excellent chance of showing net profit of approximately $2,000,000 for the fiscal year ending next Oct. 27.

Universal reported net profit of $1,381,002 for the first half of its current fiscal year, ended April 27 last. Net profit for the 1939 fiscal year was $1,153,321.

That the company expects to attain domestic self-sufficiency by Sept. 1 was indicated in a letter to stockholders from J. Cheever Cowdin, chairman of the board, during June.

Pindat Supervises 2 Republic Offices

Jack Pindat, Republic home office contract manager, has been assigned as supervisor of the New York and Philadelphia exchanges, following the resignation of Herman Gluuckman, who recently sold his franchise for the two cities back to Republic. Si Borus has replaced Pindat as contract manager.

The personnel of the two branches otherwise remains the same under Republic's direct operation, with Morris Epstein continuing as branch manager in New York and Max Gillis as Philadelphia branch manager.

Gluckman sold his franchise interests to the company about three weeks ago, but remained as manager of the branches until last week.

Agreement on Decree Changes Seen This Week

Government attorneys expect an agreement—or at least a decision—this week on the sections of the proposed consent decree settling the Government's New York anti-trust suit which have been under fire from Paramount's theatre operating partners and other exhibitors and which are being rewritten.

Discussion of the Paramount partners' strong objections to proposals covering trade showings, block-of-five sales and discrimination in selling occupied a half-day conference of Government and company attorneys at the Bar Association Building on Friday.

These discussions were not completed and will be resumed tomorrow, spokesmen said, at which time objections of Warners and other affiliated circuits to parts of the proposed decree may be analyzed. In addition to Sections 1, 3 and 6, which have been attacked by the Paramount partners, Section 4, covering product availability, may be considered at the meeting.

Government attorneys at the continuing conference will have the benefit of the views of Thurman W. Arnold, assistant U. S. Attorney General, with whom they conferred in Washington over the weekend.

GROSSES GROGGY FROM HOT WEEK

But Several Sections Report Good Comeback With Clouds and Rain Over Weekend; Broadway Continues Spotty

Theatres in some sections of the country showed a business improvement over the weekend with cloudy and rainy weather after more than a week of tropical temperatures which had grosses in most key cities groggy with the heat.

The prospect of thundershowers Sunday reduced the usual exodus to outdoor resorts, and several large cities reported this as having helped the box-office. In the South, however, there was no letup from the blazing temperatures.

Broadway grosses were spotty late in the week and over the weekend, with huge throngs heading for the beaches and pools early Saturday. This, however, did not prevent a big day at the Strand, which is playing "They Drive by Night" with personal appearances by George Raft. The Friday opening was reported as the biggest since "The Fighting 69th" in January. The Radio City Music Hall was the only other first run reporting business good, with "All This, and Heaven Too" heading for a fourth-week gross of more than $70,000, it is expected.

"The Ramparts We Watch" was a surprise heat-beater in Washington. The March of Time-RKO film produced capacity business for Keith's

(*Continued on page 4*)

Camping Out

MILWAUKEE, July 28.—During the heat wave in Wisconsin, which lasted nearly a week, theatres in Oshkosh, Green Bay and Madison remained open all night so that heat sufferers could sleep in the cool comfort of the houses' cooling system. The Oshkosh and Capitol in Madison and Bay in Green Bay made the offer.

Monopoly Report Of F.C.C. May Be Delayed Until Fall

WASHINGTON, July 28.—Action by the Federal Communications Commission on its monopoly committee's report on chain broadcasting was seen Friday as delayed until Fall by the Commission's action in giving interested parties to Sept. 15 to file briefs.

The committee made its report June

(*Continued on page 4*)

Roosevelt Signs Ascap Pact; CBS Again Attacks Society

The broadcasters-Ascap battle over the weekend became more intense, with a blast issued by CBS against the Society and another by Elliott Roosevelt attacking the "chain controlled NAB."

Calling on radio advertisers to cooperate with networks in beginning immediately to eliminate Ascap music from radio programs, Paul W. Kesten, CBS vice-president, enumerates in a letter to agencies and clients five "accomplishments" to date of the network toward this end. Similar letters have previously been sent agencies and advertisers by CBS and NBC.

They are: closing of CBS doors to professional song pluggers; a 33 1/3 per cent reduction in the use of Ascap music on network sustaining programs since April; elimination of all restricted Ascap numbers requiring special credits on remote pick-ups of dance bands beginning last May; adoption of a requirement, effective Aug. 5, that all remote dance bands include at least one non-Ascap tune on their programs, and, finally, de-

(*Continued on page 4*)

Ascap's new five year music contract for radio networks was signed on Friday by Elliott Roosevelt for the independent Texas State Network, of which he is president. This was the first network contract closed on the new terms, which are effective Jan. 1.

Roosevelt took the occasion to "denounce the attempts of the national chains to muzzle American songwriters." He charged that the National Association of Broadcasters, which is fighting Ascap, is "controlled by the chains here in New York" rather than the stations it represents throughout the country.

The NAB has threatened individual broadcasters with "discipline" should they attempt to do business direct with the songwriters, through Ascap, Roosevelt declared. If this is attempted against him, he will take action through

(*Continued on page 4*)

Brandt Takes Over W. B. House in Conn.

Harry Brandt's Rayhope Theatres Corp. has acquired the 1,247-seat Alhambra at Torrington, Conn., and will begin operating the house Sept. 1. Policy calls for first run pictures and vaudeville.

The Alhambra has been operated by Warners for many years. That circuit will continue operation of the first run Warner and second run Palace in Torrington.

Personal Mention

LOUIS PHILLIPS, Paramount home office attorney, is at Lake George for a brief vacation.

•

HERMAN FINKELSTEIN of Schwartz & Frohlich will return today from a vacation.

•

PAUL CASTELLO, Warner district manager in Philadelphia, has left for a vacation in St. Louis. JACK FLYNN and AL PLOUGH of the Warner Philadelphia office, also are vacationing.

•

DEL GOODMAN, Far Eastern manager for 20th Century-Fox, will remain on the Coast for about two weeks before coming on here for home office conferences.

•

LILLIAN L. SPEAR of the Dubinsky Brothers Theatres, St. Joseph, Mo., is a World's Fair visitor.

•

JACK FINK, district manager of Wometco Theatres, Miami, is visiting here.

•

SAM ABEND of Exhibitors Film Delivery, Kansas City, and his daughter are New York visitors.

•

CHARLES CROWLEY, manager of the State, Chester, Pa., will be married next month to DORIS COSTA, cashier at the Lyric, Camden, N. J.

•

DAVID WEINSTEIN, assistant manager of the Studio in Philadelphia, is ill with pleurisy.

•

WILLIAM ELDER, former manager of the Bijou, New Haven, and MRS. ELDER are vacationing in that city from his present location, Harrisburg, Pa.

•

DORIS VALENTE, secretary to RAY GALLO of *Better Theatres,* is vacationin Vermont.

•

ALLAN JONES and IRENE HERVEY are scheduled to arrive from the Coast on the *Stratoliner* tomorrow.

NTG Wins Judgment From Brandt Houses

Three William Brandt theatres were on Friday ordered to pay $3,300 each to Jack Naples, owner of the NTG (Nils T. Granlund) vaudeville unit, for failure to live up to a booking contract.

Judge Timothy A. Leary in N. Y. Supreme Court granted summary judgment against Brandt, the Adde Co., owner of the Flatbush Theatre, Sharbu Operating Co., owner of the Windsor, and Robertson Operating Co., owner of the Carlton. Brandt had contracted for the show for three weeks at a minimum of $3,300 weekly, to open last Dec. 14, the suit asserted.

Buffalo Pioneer Dead

BUFFALO, July 28.—Mrs. Samuel Rappeport, 70, who with her husband was a pioneer in establishing neighborhood theatres here, is dead. They opened their first theatre, the Royal Star, in 1907. Later they operated the Ideal, Lovejoy and Avon. The Rappeports celebrated their Golden wedding anniversary last March.

Readers' Say-So

Kirsch Raps Duals

Charges by some major companies that exhibitors have not borne their share of advertising costs have been answered by Jack Kirsch, Illinois Allied president, as follows:

EDITOR, MOTION PICTURE DAILY:

How can the exhibitor cooperate with the producer and distributor to defray the advertising costs when he has to show two or some times three features to compete with the chain houses showing this type of program. When we, and by we I mean the independent exhibitors, attempt to exploit a picture show, how shall we determine what particular picture shall receive the benefit of the exploitation.

And again take a condition that exists in Chicago.

Ten weeks elapse between the time a picture is shown at a Balaban & Katz theatre and then shown by the small independent exhibitor. Is there any sane reason as to why the independent should even attempt to spend any money for exploiting or advertising the picture after all the meat has been taken out by B. and K.?

Last Fall in one of my own outlying theatres I was showing a Mickey Rooney picture and at the same time the Balaban and Katz United Artists in the loop was showing a new Rooney picture. If I had spent any money for advertising my picture the question all my patrons would ask is "how old is this picture?"—so no spending of money by me on any sort of basis—cooperative or otherwise.

When the producers and distributors decide to eliminate the double and triple feature evil, then the independent exhibitor can concentrate on a single feature and exploit the hell out of the product and get some return.

JACK KIRSCH
President, Illinois Allied

The Public Disillusioned

Following are excerpts from a letter addressed to Louis B. Mayer, vice-president in charge of production for M-G-M.

MY DEAR MR. MAYER:

As the head of the finest picture producing company in the world, I think you should be the one who should call a meeting of the heads of all studios to take action that will help to preserve this great industry, which to use the language of the street, is going to the dogs.

Unless something drastic is done about making picture names effective at the box-office by giving the stars the kind of publicity that will endear them to the public, as was done many years ago, the business will deteriorate. . . . Unless you eliminate the Fidlers, the Carrolls and others like them from disillusioning the public by making the stars appear cowards . . . and that the greatest scenes in the million dollar productions are nothing but miniature sets, you will find that the public will eventually be so wise that they will lose their entire interest in pictures. . . .

When heads of large film companies are part owners of rackets for theatres, heads of theatre circuits put these rackets in their theatres as a sort of tribute to these high executives, who in their hearts don't give a rap about what happens to the business . . . Men like you, Sam Goldwyn and others can stop this evil as well as recreate the theatre feeling that the public should have and did have a while back. . . .

JOHN JAY FRANKLIN
Stanley-Strand Theatre Co.,
San Francisco

Producers' Franchise Owners Meeting Here

A special meeting of franchise holders of Producers Releasing Corp. started here yesterday at the Woodward Hotel, with franchise holders from the field attending. The meeting will conclude tomorrow.

Harry Rathner, president of the company, called the session for a discussion of the company's plans. Rathner said the company's new season program will include four specials, 16 features and 18 westerns.

Leon Fromkess, in charge of the foreign department, will inform the franchise owners of the foreign deals closed.

20th-Fox Sets Long Terry-Toons Deal

Twentieth Century-Fox on Saturday renewed its distribution contract with Terry-Toons for a long term. The current agreement still has one year to run. Under the present pact and the renewal Terry-Toons is committed to deliver more than 100 subjects to 20th-Fox.

The renewal of the distribution arrangement, which has been in effect for the past seven years, will extend it into its second decade, indicating that the renewal is for a period of more than two years.

'Fantasia' Release Details Set Shortly

Exhibition plans for Walt Disney's new musical production, "Fantasia," will be completed at conferences at the studio within the next two weeks. Hal Horne, Eastern representative for Disney, will go to the Coast at the end of the week for the meetings.

Roy Disney left for the Coast over the weekend after a two-week visit here, during which arrangements for the Walt Disney Festival programs were completed. Disney said initial openings of the programs were "far beyond expectations."

3 Firms Chartered

ALBANY, July 28.—Firms newly incorporated here include: Twin City Theatres, Inc., Tonawanda, by Constantine J. Basil and Nikitas D. Dipson; West End Amusement Corp., New York, by Cecil Diamond, Edward Halson and Irene Fields, and Pit Productions, Inc., New York, by Harold J. Sherman, Helen Brook and Etta Sealove.

Hammons Due Today

Earle W. Hammons is expected back from the Coast today, after conferring there on production and release arrangements for a picture series, based on a radio program, which he plans to produce.

Now It's Stockings

EAST HAVEN, CONN., July 28. — The Capitol Theatre is first in this territory to try stockings as a premium, feminine patrons paying 15 cents after admission if they desire the cellophane-wrapped hose. Adolph Johnson of New Haven is distributing the giveaway.

Monogram Session Is Held in Atlanta

ATLANTA, July 28.—Edward A. Golden, general sales manager of Monogram, presided over a sales meeting for the company's Southern exchanges yesterday. In attendance were the staffs of the offices in Atlanta, Memphis, Charlotte and New Orleans, headed by John Mangham, president of the four branches.

Among the Monogram representatives attending the meeting were: M. L. Stevens, J. E. McLeroy, O. S. Barnett, J. O. Lamont, Charlotte, manager; Fred Mathis, M. E. Wiman, B. C. Tolley, J. Cummins, P. H. Savin, assistant to Mangham; W. A. Lewis, W. E. Osborne, manager in Memphis; William Lake, H. F. Cohen, Buford Styles, and J. Harry Spann, New Orleans, manager.

Lange Joins Other Foreign Men Here

Fred Lange, Continental European manager for Paramount, arrived from Lisbon by Clipper over the weekend, the fourth Continental manager to return to New York in recent weeks.

Lange will make a report to John W. Hicks, Paramount vice-president and foreign department head, and may return to Europe subsequently.

Other Continental managers who have returned recently are: Ben Miggins, 20th Century-Fox; Laudy Lawrence, Loew's, and Harold Smith, M.P.P.D.A.

Para. Answers Trendle

Paramount on Friday asked for dismissal of George W. Trendle's suit seeking to void an agreement made by him and John H. King in 1929 which barred them from operating theatres within a 150-mile radius of Detroit for 50 years. An answer filed in the U. S. District Court here contends that the provision is legal and binding.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

They're driving morning, noon and night

. . . TO NEW YORK, ST. LOUIS, NEW ORLEANS, etc., etc., etc.! So all opened with block-long lines (even in a blazing sun) and the season's top figures!!!

GEORGE
RAFT · ANN
SHERIDAN
IDA
LUPINO · HUMPHREY
BOGART

"THEY DRIVE BY NIGHT"

With Gale Page • Alan Hale • Roscoe Karns
Directed by Raoul Walsh
Screen Play by Jerry Wald and Richard Macaulay
From a Novel by A. I. Bezzerides
A Warner Bros.-First National Picture

WARNER BROS.,
Producers

Grosses Hurt Over Country By Hot Week

(Continued from page 1)

despite excessively high temperatures and lack of star appeal. "With no names or anything, it is outdrawing some of the big-star pictures we have shown," said Manager Hardie Meakin.

Washington's 97-degree weather of the past week had the usual beneficial effect on business at downtown theatres. Experience in the Capital is that when the heat forces the early closing of Government departments, the released clerks head for the air-cooled theatres, with the nearest beach some 30 miles away.

Heat 'Good' for Omaha

Omaha, paradoxically, reported that the heat wave boosted weekend openings from five to 25 per cent when sufferers escaped to air-conditioned theatres from the 110-degree temperature. There was a temperature drop Saturday followed by cloudy weather.

In Chicago, a break in the heat followed by rain helped Saturday's business in the Loop, beginning with the morning shows. Box-office activity was described as better than normal for the summer.

Kansas City on Saturday reported the usual shopping crowds missing from downtown streets, but a larger percentage escaping the heat in the first run theatres. The Esquire and Uptown said business was excellent on the opening of "When the Daltons Rode," with personal appearances of Universal players.

Key Cities Report

Other key cities reported as follows:

Providence: Thursday and Friday attendance off 30 to 50 per cent. Indications Saturday noon for a clear, hot weekend indicated a continued box-office slump in favor of nearby shore resorts.

New Haven: Openings were off, with the exception of "South of Pago Pago" at Loews Poli. Friday's 95 degrees started an exodus to the beaches. The forecast for weekend showers would be too late to help grosses appreciably.

Cincinnati: The oppressive heat reduced attendance at openings. Forecast for showers and slightly cooler was expected to bring some betterment, although the temperature Saturday noon headed toward Friday's 96-degree mark.

Detroit Theatres Suffer

Detroit: Theatres suffered a big business loss at late-week openings because of the heat. Relief was promised by the weather man.

San Francisco: The weather and the Golden Gate Exposition are slashing 20 per cent off film openings and weekly grosses. Most theatres have curtailed advertising schedules. The warmer the weather, the poorer the business.

Boston: Sweltering under the worst heat wave of the summer, climaxed by a 48-year record high of 95 on Friday, Bostonians began an early exodus to resorts. Exhibitors reported good openings, but a slow weekend was considered inevitable.

Pittsburgh: Theatre business was not bad Saturday, and was expected to be better Sunday with cooler weather. The Fulton reopened to good grosses with "When the Daltons Rode."

Philadelphia: The 98-degree weather on Friday proved a slight boon for the openings at downtown theatres, with the heat actually driving people into theatres to find relief. Matinee business was reported well above average. Forecast for a letup in the heat wave was enough to stem the general exodus to the seashore as experienced the previous weekend, and theatres figured only a 10 per cent drop in Saturday's business, but more on Sunday.

Cool Weather 'Hurts'

Milwaukee: Business here is better when it's hot. A rainy Friday accompanied by moderating temperatures had an adverse effect on openings. Cooler weather caused a dip in matinee grosses, which were up during the hot spell.

Buffalo: The heat wave was reported to have had little effect on new openings, and the grosses for the week, despite the weather, averaged better than the week before. Prospect was for lower temperatures.

Indianapolis: Openings were off because of the mercury in the upper 90's. Neighborhoods are doing better, particularly near apartment buildings, where residents throng to theatres to cool off.

Seattle: Cooler weather and the first rainfall in six weeks Friday increased grosses on opening business about 10 per cent over recent weeks.

Minneapolis: The weather is seasonably normal, and so is theatre business.

Offices Close Early

SEVERAL of the home offices in the blast furnace which was New York on Friday, shut up shop early to permit the boys and girls to head for the nearest swimming pool.

Warners, RKO, M-G-M and Universal closed at 3 P. M. Of the others, 20th Century-Fox, United Artists and Columbia have air-conditioning systems, and so the boys and girls had to stay after school.

Feature Review

"The Tulsa Kid"

(Republic)

This is an entertaining western from an original screenplay by Oliver Drake, directed by George Sherman, who also acted as associate producer. Don "Red" Barry heads the cast, which includes Noah Beery, Luana Walters, David Durand, George Douglas, Ethan Laidlaw and Stanley Blystone. The work of Beery is especially good.

In an early sequence a gang leader is killed by a youth who sought to defend himself. Barry, the only witness to the shooting, endeavors to protect the youth from injustice at the hands of the dead man's henchmen. With Barry's testimony the boy is acquitted. Thereupon the gang seeks vengeance by routing the cattle of the boy and his sister, Miss Walters. A gun duel between Barry and Beery culminates the action and the gang is brought to justice.

Barry's portrayal of the affable cowboy is excellent. While the story is run of the mill, his presence along with Beery's brings the film above par.

Running time, 57 minutes. "G."*

** "G" denotes general classification.*

Weisner, Brighton Die in Milwaukee

MILWAUKEE, July 28.—Milwaukee's Film Row suffered the loss of two of its members in the deaths of E. L. Weisner, 42, pioneer exhibitor and long associated with Fox Wisconsin Amusement Corp. in theatres here and in the State, and Alexander F. Brighton, 40, salesman for seven years for National Theatre Supply Co. Weisner, a former film salesman, is survived by his mother, three sisters, and two brothers, Max and Harold, also exhibitors here.

George Walker Dies; Was Shea Manager

BUFFALO, July 28.—Funeral services were held here Saturday for George A. Walker, 60, manager of Shea's North Park. Walker, a cousin of the late Michael Shea, operator of the circuit bearing his name, died of a heart attack Thursday. Walker started as an usher for Shea in 1900 at the old Garden Theatre. A year later he became manager of the Court Street Theatre. A sister, Miss Mary Walker, survives.

Rich Dinner Tonight

BUFFALO, July 28.—A large number of film men will attend a testimonial dinner here tomorrow night for Charles Rich, Warner branch manager, who is being transferred to Cleveland. The event will be in conjunction with the Variety Club golf tournament.

War, Weather and Vacations

Toronto, July 28.—Hot weather and vacations along with the war have reduced Toronto grosses to a mark appreciably below those of one year ago. "All This, and Heaven Too" is the only film in town doing real business, having been held a second week at the Uptown. Many persons have gone to remote places to get away from the war talk, while householders who are stocking supplies against an arising crisis have little money for shows.

Texas Web Signs First Ascap Pact

(Continued from page 1)

the FCC and the courts, Roosevelt said.

Attacking NAB's "$2,000,000 subsidiary, Broadcast Music Industries, Inc." (BMI), which has been set up in opposition to Ascap's terms, [illegible]evelt declared:

"Exclusively plugging the music of subsidized songwriters and subsidized subsidiaries is definitely in their own individual interest, without regard for the FCC, or the public, or the rights of other songwriters. If this discrimination is permitted, there is nothing to stop the chains from ultimately swallowing up the music publishing industry. It would thereby exert an unhealthy control of tremendous investments involved in allied industries such as motion pictures, the theatres, dance halls, hotels, night clubs and other activities too numerous to mention, which depend in great part for music to safeguard investments."

CBS Again Attacks Ascap

(Continued from page 1)

velopment of B.M.I.'s catalogue at a rate which promises 1,300 songs by Dec. 31, next, when current Ascap contracts with networks and stations expire.

The letter reiterates the CBS stand that it cannot accept Ascap's new contract terms and will not carry Ascap music on its programs after the first of the year. It urges radio advertisers to begin at once to popularize non-Ascap music and asserts that: "If the transition to non-Ascap music is begun at once, virtually every hit tune should lie outside of Ascap before Jan. 1."

Kesten's letter says radio paid Ascap $10,000 in 1923; $1,000,000 in 1931, and last year paid it $4,300,000 despite the fact that there was "a 40 per cent drop in the number of musical programs on the air."

Monopoly Report May Be Delayed

(Continued from page 1)

12, last, and it later was the basis of questions propounded by Senator Charles W. Tobey to Commissioner Thad H. Brown during hearings on his nomination to serve another term on the FCC. Investigation of that part of the report dealing with the CBS-Paramount deal precipitated an attack on the report by CBS, which asked permission to file a brief.

Other interests in the network field also indicated a desire to reply to statements and conclusions made by the committee and it was decided that blanket permission to file briefs during the next seven weeks should be granted.

In announcing its action, the commission suggested that briefs should be directed, among other things, to the advisability of adopting a temporary regulation suggested by Mutual Broadcasting System for maintenance of the status quo.

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 21 NEW YORK, U. S. A., TUESDAY, JULY 30, 1940 TEN CENTS

Grosses Slump To 40% Normal In Record Heat

Strand and Music Hall Lead Broadway Parade

Except for two or three exceptional situations, grosses everywhere in the East are parachuting downward as the record heat-wave hits its 11th successive day. Box office income has dropped 40 to 60 per cent, according to showmen.

On Broadway, George Raft making a personal appearance with the showing of "They Drive By Night," helped to pull up business most strongly, at the Strand. The Music Hall, with "All This and Heaven, Too," in its fourth week, also was reported doing well. Otherwise, Times Square, like the Loop, in Chicago, were practically deserted Sunday, according to official reports. Some relief was in sight in some sections, yesterday.

The Strand reports a weekend gross of $28,000 for Friday, Saturday and Sunday, which is a high mark. Raft, personally, must be credited for a substanial part of this gross.

"All This, and Heaven Too" garnered $48,000 for the first four days of its departing week at the Radio City Music Hall. "Turnabout," with a stageshow at the Roxy, grossed an estimated $13,800 over the weekend, and "Leopard Men of Africa" at the

(*Continued on page* 4)

KAO Year's Net Put at $877,780

Keith - Albee - Orpheum and subsidiaries earned $877,780 for the 52 weeks ended June 29. The figure is after all charges including settlement of a lease obligation amounting to $400,000.

For the 26 weeks ended June 29 K-A-O reported net earnings of $427,062, equal to $6.71 per share on the 65,586 shares of seven per cent cumulative convertible preferred. Earnings for the period compare with net of $525,909 for the corresponding period last year, which was equal to $8.18 per share on the preferred.

Earnings for the 52 weeks are equal to $13.80 per share on the preferred. K-A-O is RKO's principal theatre operating company.

Earnings of B. F. Keith for the 52 weeks ended June 29 amounted to $504,140. For the 26 weeks ended June 29, earnings were $261,755, which compares with net of $332,887 for the corresponding period last year.

Four Companies May Make Peace Without Paramount

Government Spokesmen Hope for Agreement By End of Week

A separate peace with Loew's, RKO, Warner Bros. and 20th Century-Fox, leaving Paramount out, is a possibility, it was authoritatively indicated yesterday.

Paramount's position in regard to the consent decree is still indefinite despite protracted discussions held last week, following the objections which were made to the proposed decree by the company's principal theatre partners, and Government lawyers asserted yesterday that these objections would not be permitted to hinder the peace discussions. In fact, they asserted that they hoped an agreement on the decree would be reached by the end of the week.

Spokesmen for the companies state that a peace can be obtained if the "right kind" of an escape clause is inserted into the decree. None of the defendants, these spokesmen say, can agree to a decree, while some of the companies will be permitted to remain outside its scope. Under the provisions of the tentative draft, a company may appeal to the courts, in special circumstances, to declare the decree inoperative.

The "escape clause" is important because even if Paramount were to be included within the scope of the decree, three companies such as Universal, Columbia and United Artists are still refusing to participate in it.

Loew's, RKO and Warner Bros. constitute the peace block within the ranks of the Big 5. They are exerting strong pressure, it is asserted for a united front.

However, considerable difference of

(*Continued on page* 4)

Labor Against Act Changes

Washington, July 29. — Representatives of motion picture guilds and unions today told Assistant Director Harold Stein of the Wage-Hour Division that they were opposed to "any and all" suggestions made last week by the producers for revision of definitions of "executive," "administrative" and "professional" employes as covered in the National Labor Act.

George E. Bodle, representing the Hollywood Guild Council, seven guilds and the Moving Picture Paint-

(*Continued on page* 4)

Dollar's Worth of Worry for a Nickel

Philadelphia, July 29. — Things began to happen following the announcement of plans to introduce nickel-in-the-slot film machines here in the Fall.

First a city councilman began a measure to impose a tax, probably higher than that on other types of coin machines. Then, the State censor board ruled that the reels will be subject to the usual censorship fee of $2 per reel. Now, the local operators' union declares that it has taken over jurisdiction.

Hollywood Reviews

When an executive labels his picture as "difficult to sell" — that's news. The executive is James Roosevelt — the picture is "Pastor Hall," which was produced in England. The other day, in Hollywood, a reviewer of Motion Picture Daily *saw this film; another saw Universal's "When the Daltons Rode," which was made in California. Because each is an unusual picture, and because each embodies a screen theme and possibly also a purpose so contrasting to the other, the reviewers' opinions are offered to the readers, side-by-side.—S. S.*

"When the Daltons Rode"

[*Universal*]

Hollywood, July 29.—"When the Daltons Rode" contains, in its 81 minutes, more thrills and excitement than has been seen on motion picture screens for years. It is a rip roaring, snorting action film designed to keep all audiences on the edges of their seats from start to finish. Telling the story, fictionized to a certain extent, of the rise and the fall of the Dalton gang which terrorized Kansas and

(*Continued on page* 4)

"Pastor Hall"

[*United Artists*]

Hollywood, July 29.—Establishing three Hollywood precedents by (1) personally addressing his press preview guests; (2) describing his picture as "difficult to sell;" and (3) asking them to cooperate by "passing the word along" in behalf of a production he said he had chosen for his first because "it is entertainment" and "leaves with you something you will remember for many days to come," James Roosevelt last Friday night unveiled the most forthright indict-

(*Continued on page* 4)

Frank Mullen Will Follow Trammell

Frank R. Mullen, vice-president in charge of public information for RCA, is scheduled for promotion to the executive vice-presidency of NBC this Friday at a meeting of the network's directors. The post was left vacant two weeks ago when Niles Trammell was elected president. Original plans called for a joint announcement of the promotion of Trammell and Mullen.

Expect $70,000 in W. B. Studio Drive

Hollywood, July 29. — The Red Cross drive conducted at the Warner studio is expected to raise $70,000, according to Edward Selzer, who is handling the campaign. The quota was $37,500.

N. S. S. Takes Chicago Poster Service Firm

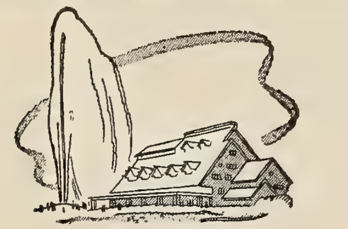
CHICAGO, July 29.—U. S. Independent Poster Service, recently organized by Ben Marcus, president, and I. E. Sarnoff, vice-president and treasurer, has been taken over by National Screen Service and Advertising Accessories, Inc., the two poster officials stated today.

U. S. Independent Poster Service recently acquired the Independent Poster Service here and the Wisconsin Poster Service, Milwaukee, and planned to open branches throughout the Midwest.

Para. Clears Title To Chaplin on Film

HOLLYWOOD, July 29. — Paramount has released to Charles Chaplin its title, "The Great Dictator," removing the only obstacle to the use of that title by Chaplin for his comedy satirizing dictatorship.

Following conferences with Maurice Silverstone, United Artists chief executive, who arrived from New York today, Chaplin may set the release date for the picture this week. He has finished cutting the picture and scoring is now under way.



FLY VIA
YELLOWSTONE
. . . on your air journey between the East and the Pacific Coast

Visit Yellowstone Park by plane, flying over Jackson Hole, Grand Tetons, Yellowstone's Geyser Basins. Land at Yellowstone Airport for an 8-hour limousine trip into the Park, including Old Faithful—all by adding only a 13-hour side flight to your coast-to-coast flight.

Scenic, one day round-trip flight from Salt Lake to Yellowstone, available only to United Air Lines' transcontinental passengers at special rate of $15.

Reservations: travel agents, hotels, or

UNITED AIR LINES
58 E. 42nd Street MUrray Hill 2-7300

Personal Mention

CRESSON E. SMITH, RKO western division manager, has returned from a business trip. BOB MOCHRIE, eastern division manager, left for the Southern territory by air yesterday, while A. A. SCHUBART, manager of exchange operations, left by plane for Kansas City. R. V. NOLAN of the St. Louis branch has left for his post after a week's visit here.

•

STEPHEN M. KENYON, formerly account executive with Lord & Thomas and J. Walter Thompson, has joined Donahue & Coe, Inc., in an executive capacity.

•

EARLE W. HAMMONS is extending his stay on the Coast a few days and now is expected in New York at the end of the week.

•

P. J. WOOD, secretary of I.T.O. of Ohio, is on vacation at Cape May.

•

MORT BLUMENSTOCK of Warners has arrived on the Coast.

•

GEORGE CANTY, former Universal head in Paris and American consul at the Hague, has arrived with his wife and family from Europe.

•

JUDY CANOVA will be guest at a reception today at the Hotel Warwick.

•

ARTIE COHN, manager of Warners' Roosevelt, Philadelphia, is vacationing at Atlantic City.

•

M. M. STEINKRITZ, manager of the Rogers, Brooklyn, is vacationing, during which his assistant, MAC NOVICK, is managing the theatre.

•

EDDIE CANTOR, J. J. MILSTEIN, LESTER SANTLEY and GEORGE JOY lunching at Lindy's (51st St.) yesterday.

Defer Schenck Trial Date

A hearing to fix the date of trial of Joseph M. Schenck and Joseph M. Moskowitz on Federal tax charges was postponed until today by U. S. District Court Judge Alfred C. Coxe yesterday.

MONROE GREENTHAL of United Artists plans to leave for the Coast today or tomorrow in connection with the company's pre-selling campaign plans.

•

JACK COHN and NATE SPINGOLD returned from the Coast yesterday.

•

GEORGE KEENAN has left his manager's post at the Avalon, Avalon, N. J., for a similar position at the Opera House, Millinocket, Me. VINCENT W. BUCKLEY, of Philadelphia, replaces him.

•

LEO SPITZ is in Chicago.

•

TED SCHLANGER, Warner theatres zone chief in Philadelphia, has bought Rosemount Manor, a five-acre estate in the suburban Rosemont section.

•

LOU WEINBERG, RUBE JACKTER and MARVIN SCHENCK at Lindy's (next to the Rivoli) for lunch yesterday.

•

WILLIAM F. RODGERS, JAMES R. GRAINGER, EDDIE GRAINGER, JACK CONNOLLY, SAM SHAIN, ADOLPH ZUKOR, TOM CONNORS and HARRY BRANDT at Nick's Hunting Room in the Astor yesterday for lunch.

•

MR. and MRS. STANTON GRIFFIS, BARNEY BALABAN, JULES E. BRULATOUR, AUSTIN KEOUGH, JOHN D. HERTZ, JR., JOHN W. HICKS, CHESTER ERSKINE, LIONEL STANDER, JIMMIE SAVO and SIDNEY PHILLIPS at Sardi's yesterday for lunch.

•

F. J. A. MCCARTHY, WILLIAM A. SCULLY, FRED MCCONNELL, MAURICE BERGMAN, THOMAS LOACH, WALTER FUTTER, T. H. HUNTER and LOUIS J. BARBANO lunching at the Tavern yesterday.

Mrs. Pat Rooney Dies

Mrs. Marion Bent Rooney, 60, veteran vaudeville performer and wife of Pat Rooney, died in the Cavalry Hospital in the Bronx on Sunday after an illness of two months. Mrs. Rooney was in vaudeville 27 years with her husband, and also their son.

PCCITO Offers Survey to Show Subjects Are Forced

HOLLYWOOD, July 29.—That shorts and newsreels were "forced" in sales to a majority of those exhibitors who were attending the recent convention of the Pacific Coast Conference of Independent Theatre Owners, is the claim made by the organization, following a survey which the association states it made.

The questions and composite answers, as announced by the PCCITO follow:

How many major film companies did you buy for the 1939-40 season? First run: 6.8. Subsequent: 6.3

Collectively, how many percentage pictures in all your 1939-40 contracts: First Run: 23. Subsequent: 7.

Collectively, how many pictures on preferred time in your contracts? First run: 17. Subsequent: 5.5.

How many pictures in your contracts exclusive of cancellations? First run and subsequent: 287.

How many pictures per week do you use? First run: five per week. Subsequent run: five per week.

How many changes per week? First run: three. Subsequent: 2.5.

Seventy per cent of the delegates, who represented a total of 445 theatres of the 898 houses in the Coast territories, answered the questionnaires. It was revealed that 47 per cent of the exhibitors operated first run situations, 22 per cent have no competition whatsoever. Nine per cent have affiliated competition, 16 per cent have independent competition. Fifty-three per cent are subsequent run situations, 19 per cent have affiliated competition and 34 per cent have independent competition.

F. & M. Tries Even Scale in St. Louis

ST. LOUIS, July 29.—The Missouri Theatre, operated by Fanchon & Marco, launched a new price scale with its first stage show in years last Friday. Still maintaining the basic price standard, the Missouri will facilitate the handling of money by the following prices: 30 cents before 2 P. M.; 40 cents from 2 to 6 P. M., and 50 cents in the evening, incl[illegible] Saturdays, Sundays and holidays. These prices include all taxes.

The previous scale was 28 cents and five mills; 39 cents and 7 mills; 44 cents and 8 mills, and 56 cents. The mills were for the State tax and the odd cents were for the new defense tax. The new scale absorbs these taxes, and in view of the fact that the same prices will prevail every evening—instead of a higher price for weekends than one week nights—the management believes the scale is balanced.

The new arrangement is an experiment, and if successful will be installed in the other F. & M. houses in the city.

Rites for Niemeyer Held in Hollywood

LOS ANGELES, July 29.—Harry H. Niemeyer, Sr., 63 years old, veteran Hollywood correspondent for the St. Louis *Post Dispatch,* was buried Saturday at Forest Lawn Cemetery. He died the same day of lymphatic leucemia at Hollywood Hospital. Surviving are the widow; a son, Harry, Jr., a member of the RKO studio publicity department, and his father, Henry V. Niemeyer, a Confederate veteran.

Niemeyer had been associated with the *Post Dispatch* since 1894. He also held a post in the drama department of the New York *Times* prior to the World War, and acted as personal representative of James K. Hackett. He came here from St. Louis in 1934, and was known to readers as "Nie."

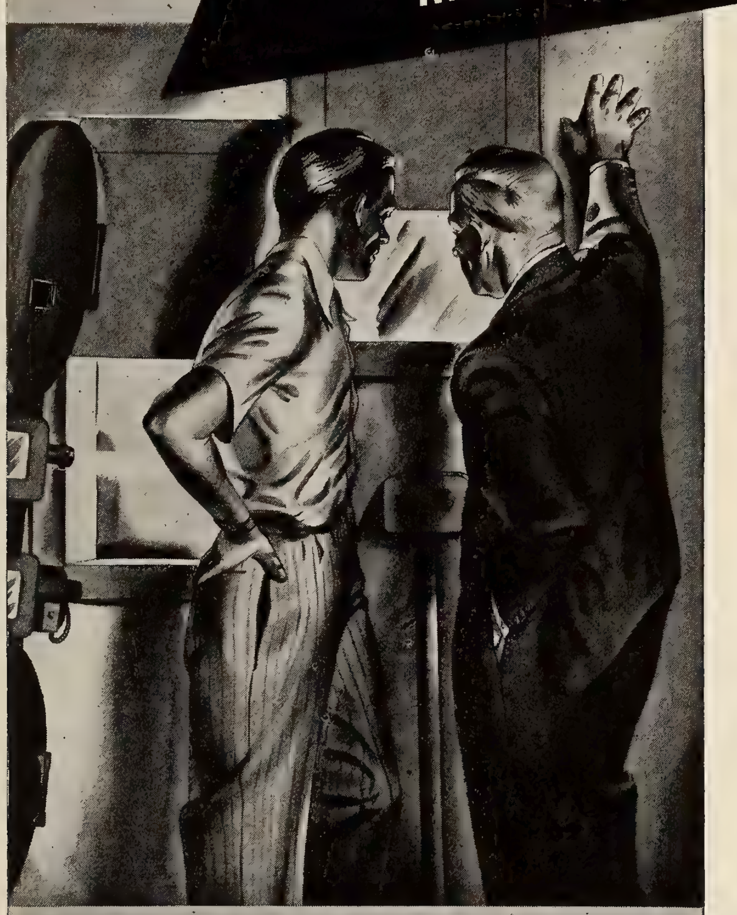
Rogers Standin Dead

HOLLYWOOD, July 29. — Leonard Trainor, 61, film player during the "horse opera" era and standin for Will Rogers, died here yesterday at Cedars of Lebanon Hospital. He had just finished enacting the role of Rogers at a memorial pageant for the humorist in Santa Monica.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

THESE NEW "*One Kilowatt*" HIGH INTENSITY ARCS ARE THE REAL "McCOY," JACK



● They don't miss a bet in getting over every bit of action there is in the film. And those color features! I never saw anything more natural in all my life.

You said it, Mr. Robinson! That fifty per cent extra light — real snow white light at that — does make a big difference. The fellows who designed this equipment did a swell job. It's real stuff from A to Z. What surprises me is how they are able to get so much light out of a one kilowatt arc. It's going to be a real pleasure to show pictures here from now on. I defy anyone to put any better pictures on the screen than we can in our little theatre.

That's the spirit, Jack! We can go to town with this new equipment. Our patrons have already noticed the improvement in our pictures. This investment is going to pay big dividends.

THE "ONE KILOWATT" ARCS USE "NATIONAL," "SUPREX" AND "OROTIP" CARBONS

CARBON ARC PROJECTION LAMPS
ARE OPERATED AT A SAFE VOLTAGE
AND ARE NOT COMPLICATED BY
WATER COOLING

The words "National," "Suprex" and "Orotip" are trade-marks of National Carbon Company, Inc.

NATIONAL CARBON COMPANY, INC.
Unit of Union Carbide and Carbon Corporation
UCC

Carbon Sales Division, Cleveland, Ohio
GENERAL OFFICES
30 East 42nd Street, New York, N. Y.
BRANCH SALES OFFICES
New York, Pittsburgh, Chicago, St. Louis, San Francisco

Grosses Slump To 40% Normal In Record Heat

(Continued from page 1)

Globe grossed about $2,000 during the same period. "The Fugitive" completed a week at the Rialto, with $5,500.

In cities like Milwaukee, Kansas City, Omaha and Atlantic City, the torrid wave helped rather than retarded business. Omaha benefited by rainfall. Kansas City, despite 100-degree weather, according to reports from that city, maintained good grosses.

While Atlantic City was doing good business, Philadelphia, on the other hand, was suffering intensely. It is estimated that 50 per cent of Atlantic City's 600,000 weekend guests came from Philadelphia, thus leaving that city practically desolate of box-office customers. Yesterday, reports from Philadelphia indicated a spurt in trade, but not a great one.

Temperatures which reached new highs in many cities forced millions over the country to seek the shore and beaches and the parks for relief from the heat. In New York the mercury skyrocketed to 93.4 on Sunday, and yesterday was about just as hot.

Springfield, Ill., baked under a temperature of 104 degrees, and in Cincinnati it was 99 on Sunday. Theatre attendance, therefore, went far below normal throughout these areas.

Neighborhood business in Indianapolis was pretty good, the authorities report, but downtown houses were off.

In Chicago the continued heat wave caused a terrific slump in Loop grosses.

Additionally, the Ringling Bros. circus, with its air-conditioned tents, and the lake steamers with their excursion offerings at low prices, took heavy toll from the theatre box offices.

Providence experienced one of its worst theatre slumps.

Buffalo, ironically, was saved from a severe exodus of people by action of the City Board of Health which closed the municipal beaches on grounds of "contamination" in order to avoid what the authorities believed might bring an epidemic of infantile paralysis. Consequently, the populace, unable to visit the beaches, sought relief in the theatres.

Another aid to Buffalo theatre business was the removal of race track competition, when the track across the river in Canada closed for the season.

The heat ruined business in Toronto. One manager summed it up by saying people cannot think of pictures in such torrid weather.

Detroit's business on the weekend was 50 per cent below normal, according to showmen's reports. The downtown houses didn't suffer as much as the neighborhood houses, because they had the bolstering drawing power of stage shows which the neighborhoods did not.

In St. Louis, the Fanchon & Marco houses reported business as being considerably off, while the Loew's State management stated that matinee busness was bolstering the box office. The thermometer hit 100 on Monday and the town was sweltering.

Hollywood Reviews

"Pastor Hall"

[United Artists]

(Continued from page 1)

ment of Adolph Hitler and the Nazi regime in Germany screened to date. Mrs. Franklin Delano Roosevelt, wife of the President, established another precedent by appearing in a specially filmed introduction to the picture delivering a foreword written by Robert E. Sherwood for the purpose.

The picture proper, produced in England after that country's declaration of war upon Germany and based on a play by the late Ernst Toller, German playwright, is by far the most outspoken and wholesale indictment of the Hitler system of government that has ever been offered for exhibition in America thus far. It is somewhat less expertly produced, as to techniquqe, than such works as "Four Sons" and "The Mortal Storm," but audience effect of its minor technical crudities is to intensify rather than temper the realism of the presentation.

Toller's story, prepared for screen by three writers, traces in terms of its effect upon the lives of a village pastor and his associates the coming of Storm Troopers to their community to enforce Nazi regulations and instill respect for and obedience to the code of the "New Germany." The major plot has to do with the pastor's refusal to distort his theological concepts to make them fit the Nazi ideology, his imprisonment in a concentration camp for opposing Hitler's doctrine and his ultimate assassination by Storm Troopers when, following escape, he delivers a final denunciatory sermon to his congregation.

A secondary plot concerns the Storm Troop leader's attempt to seduce the pastor's daughter on promise to obtain her father's freedom, a proposition she ultimately accepts but is spared by circumstance from executing.

A third subplot pertains to the consumated seduction of a minor child in a labor camp, refusal of the Nazi authorities to make redress or regard the matter as important save as it may increase the population, and the girl's subsequent suicide.

Scenes and incidents in the concentration camp, reportedly filmed in conformity with conditions and practices described in the British White Paper on the subject, surpass anything previously offered on the entertainment screen in point of savagery, brutality, violence and disregard for human life. These had the Hollywood press contingent, hardened by constant exposure to films of all varieties and ardent Hitler haters for the most part, gasping and shuddering in their chairs.

Wilfrid Lawson is seen in the title role, a powerful performance, with Nova Pilbeam playing his daughter. Sir Seymour Hicks, Marius Goring, Brian Worth, Percy Walsh and Lina Barrie, among others, support. John Boulting produced the picture, Roy Boulting directing and editing.

It is not a picture for juveniles. Running time, 90 minutes. "A."*

ROSCOE WILLIAMS

**"A" denotes adult classification.*

"When the Daltons Rode"

[Universal]

(Continued from page 1)

surrounding territory in the middle of the last century, the film is nevertheless leavened with comedy of dialogue and situation.

Brian Donlevy, Broderick Crawford, Stuart Erwin and Frank Albertson enact the roles of the Daltons, who turn outlaws when a land company seizes their farm. Randolph Scott plays the role of a lawyer who attempts to aid them, and who falls in love with the sweetheart of one of the Daltons, enacted by Kay Francis. Andy Devine is the hired hand who joins the Daltons in their depredations. Others in the cast include George Bancroft, Mary Gordon, Harvey Stephens.

George Marshall, who directed "Destry Rides Again," presents a well round job. Harold Shumate wrote a tense, terse screenplay, using as his background the book by Emmett Dalton, who was the only survivor of the band, and Jack Jungmeyer, Sr.

The film opens in Coffeville, Kansas, amid the gathering thunder of the depredations of a mysterious land company which is seizing settlers' farms. In an argument with the company's surveyors, one of the Dalton boys accidentally kills one of the men. Before an unfair trial can begin, the other Daltons rescue the accused brother from the courtroom and flee.

Hunted down and blamed for crimes they did not commit, the gang finally turns to burglarizing banks and mail trains. In what was to be their final "job," they are annihilated.

The picture has all the elements essential to entertainment. Tragedy, drama, romance, comedy, action, suspense are all compressed in a package which merits popular and critical applause.

Running time, 81 minutes. "G."*

VANCE KING

**"G" denotes general classification.*

Peace Pact Seen Without Paramount

(Continued from page 1)

opinion still exists also in regard to other sections of the draft, such as Section 6, which provides against discrimination in the sale of product.

Government lawyers asserted yesterday that there is little likelihood that the consent decree proposal limiting film sales to blocks of five without cancellation will be changed. They asserted that the Government has made all the concessions which are reasonable in this regard and that it does not feel it can go further in the way of a compromise on the subject.

Government attorneys, however, reiterated the Government's intention of submitting a proposed decree to exhibitors for their views as soon as such a decree is in definite form. They stated that an agreement between negotiators for the Government and defense is hoped for by the end of this week. The pact will then be submitted to Attorney General Robert Jackson and Special Assistant Attorney General Thurman Arnold for their approval, after which all interested exhibitor organizations would be given an opportunity to express their views on the proposed decree.

If this procedure develops as is now expected, a decree may be ready for signing by the end of August, it was said.

Employes Oppose Labor Act Changes

(Continued from page 1)

ers Union, and Joseph A. Padway, representing the I.A.T.S.E., charged that the revisions suggested would increase unemployment by broadening the exemptions to include employes who should not be exempt.

Opposition to revisions recommended by the National Association of Broadcasters was voiced by Henry Jaffee, attorney for the American Federation of Radio Artists, who contended that the proposed exemptions would exclude from the protection of the act announcers and other employes who were not engaged primarily for executive or administrative duties.

HOLLYWOOD, July 29.—Pat Casey, studio labor contact, left for Chicago over the weekend to confer with union officials there. He will go to Washington thereafter to testify at current hearings on new definitions of employe groups for the Federal Wages and Hour law.

Writer Sues Warners

HOLLYWOOD, July 29.—Hans Rehfisch, German writer, today filed a $750,000 damage suit in Federal Court against Warners, charging plagiarism of his story, "Die Affaire Dreyfuss" in the "The Life of Emile Zola."

To Feature Velez, Errol

HOLLYWOOD, July 29.—RKO today announced plans for a series of four films starring Lupe Velez and Leon Errol, who are in "Mexican Spitfire."

44 Features Now in Work At Studios

HOLLYWOOD, July 29.—The number of pictures before the cameras this week increased to 44, as four finished and seven started. Twenty-six were being prepared, and 72 were in the cutting rooms.

The tally by studio:

Columbia

Started: "I'm for Rent," "Into the Crimson West."

In Work: "Arizona," "Nobody's Children," "Blondie Goes to the Country."

M-G-M

Started: "Third Finger, Left Hand," "Flight Command."

In Work: "Bad Man of Wyoming," "The Philadelphia Story," "Dr. Kildare Goes Home," "Bittersweet," "Go West."

Monogram

In Work: "Queen of the Yukon."

Paramount

In Work: "There's Magic in Music," "Moon over Burma," "Arise My Love," "Touchdown!," "Virginia," "Love Thy Neighbor."

RKO

Started: "Mexican Spitfire Out West."

In Work: "Too Many Girls," "I'm Still Alive," "They Knew What They Wanted," "Little Men."

Republic

In Work: "Colorado," "The Girl from Havana."

Roach

In Work: "Roadshow."

20th Century-Fox

Started: "The Californian."

In Work: "Charlie Chan in New York," "Down Argentine Way," "Charter Pilot," "Youth Will Be Served," "Yesterday's Heroes."

Small

In Work: "Son of Monte Cristo."

Universal

Finished: "Argentine Nights," "The Leather Pushers," "Man from Cheyenne."

In Work: "Spring Parade," "A Little Bit of Heaven," "Hired Wife," "Seven Sinners."

Warners

Finished: "City for Conquest."

In Work: "Meet John Doe," "Honeymoon for Three," "Four Mothers," "Santa Fe Trail," "Calling All Husbands."

Sig Neufeld

Started: "Marked Men."

20th-Fox Opposes Pearl River Action

Twentieth Century-Fox yesterday filed application in the U. S. District court here to dismiss the suit of River Theatre Corp., operator of the Central, Pearl River, N. Y., for failure to set forth a cause of action.

The plaintiff is suing all major distributors except Loew's for a court decree limiting to seven days the clearance of the Skouras theatre, Nyack, over the Central.

Hollywood Reviews

"Sing, Dance, Plenty Hot"

(Republic)

HOLLYWOOD, July 29.—Light as a feather and tuneful as a lark, this little musicomedy gave a midtown preview audience 70 minutes of manifestly relished relief from the pressures of realty and the contemporary flood of filmic treatments of the same. The cast is headed by Ruth Terry, who sings well and dances engagingly, opposite Johnny Downs, likewise adept at both. Supporting these are Barbara Allen (radio's Vera Vagne) and Billy Gilbert, both contributing some high comedy moments, alone ad together, Claire Carleton, Mary Lee, Elizabeth Risdon, Lester Matthews and Leonard Carey.

Story of the film, by Vera Caspary and Bradford Ropes with screen play by the latter, has to do with the operations of a theatrical producer engaged in staging benefits from which he derives principal profit. This is handled no more seriously than as background for a sequence of songs, dances and comedy interludes, however. A circumstance of perhaps special exploitation usefulness is the fact that herein the gusty Billy Gilbert not only does his usual sneeze routine but also sings a comedy duet with Miss Allen and winds up playing a straight role as detective.

Songs by Jule Styne, George R. Brown and Sol Meyer have lilt and punch, Cy Feuer's musical direction making much of their points. Robert North produced and Lew Landers directed, both doing handsomely by the job in hand.

Running time, 70 minutes. "G."* ROSCOE WILLIAMS

"Charlie Chan at the Wax Museum"

(20th Century-Fox)

HOLLYWOOD, July 29.—Setting of this adventure of the Chinese detective is a wax museum in New York City operated by a reportedly retired physician who maintains it as a hideout for criminals and a blind for an operating room in which he alters their facial appearance by plastic surgery. An escaped murderer desirous of avenging himself upon Chan for bringing about his conviction lures him to the spot for participation in a radio broadcast and from that point on deaths occur with regularity, suspicion shifting from one to another of the dozen or more assorted persons present, Chan detecting and capturing the responsible party, who is not, of course, among those suspected.

This setting, replete with wax figures, including reproductions of Chan and some of the other characters in the picture, has the effect of giving the film somewhat more mystery, evoking more shudders, shrieks and squeals from the audience, than most of the Chan enterprises.

Associated with Sidney Toler in this number are Sen Yung, C. Henry Gordon, Marc Lawrence, Joan Valerie, Marguerite Chapman, Ted Osborn, Michael Visaroff, Hilda Vaughn, Charles Wagenheim, Joe King and others. Two associate producers, Walter Morosco and Ralph Dietrich, were in charge, with Lynn Shores directing from a screen play by John Larkin.

Running time, 63 minutes. "G."* ROSCOE WILLIAMS

"The Golden Trail"

(Monogram)

HOLLYWOOD, July 29.—In this outing Tex Ritter portrays a gold miner who, by way of protecting his own mine against murderous marauders who have taken over most of them in the community, penetrates the disguise of the chief bad man and, after much riding and more shooting, brings to justice such malefactors as are still alive when the killing subsides. He also sings three songs.

Accompanying Mr. Ritter in this enterprise, which is below his par, are Slim Andrews, Ina Guest, Patsy Moran, Gene Alsace, Stanley Price, Warner Richmond, Eddie Dean and others. Ed Finney produced and Al Herman directed, Roland Lynch furnishing the screen play.

Running time, 50 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

Three Companies Formed

ALBANY, July 29.—Certificates of incorporation were issued to three new companies last week. The National Catholic Film Service, Inc., Artkino Pictures, Inc., and Lake City Theatre Operating Co., Inc., were the companies organized.

Navarre Builds House

SEATTLE, July 29.—Construction has started on a 600-seat theatre in the University district, to be known as "The Varsity." It will be operated by Guy F. Navarre, formerly U. A. exchange manager here, and cost about $55,000.

Loew Starts Ad Directory In 3 Papers

Loew circuit's daily theatre directory next Thursday will start in three additional New York newspapers, the *Times, World-Telegram* and *Post*. These, added to the *Journal-American*, which has been running the directory for more than a week, will give the guide a daily circulation of 1,500,000, according to Loew's.

One or two more papers will eventually be added to the schedule, which will complete a newspaper campaign intended to substitute for *Loew's Weekly*, which the circuit has abandoned as its primary method of reaching its New York patrons.

Letter from Doob

In this connection, MOTION PICTURE DAILY recently received the following letter from Oscar A. Doob, Loew's advertising and publicity director:

"Your prediction of long ago that some day the daily newspapers would come to realize that listings of movie programs were as important, from a reader-interest angle, as listings of radio programs, has come a notch nearer to fulfillment.

"New York's new daily paper, *PM*, has started publishing a daily directory of movie theatre programs. As you probably have noticed, this listing includes about 200 theatres, gives the titles of both features, plus admission price and time of evening shows. Almost a full page (tabloid size) is devoted to this new feature. With this innovation, I understand, *PM* plans to devote at least two pages a day to the movies and is particularly interested in stuff concerning the neighborhood theatres.

Other Newspapers Watching

"All of which is an interesting development for New York City and one which other newspapers will probably watch closely.

"The fact that *PM* does not accept any paid advertising puts this directory on a strictly news basis and not merely as an adjunct to advertising.

"*PM* wants to build circulation and its smart editors feel that the movies can help."

Ticket Broker Suit Delayed to Friday

Hearing of an application by six Broadway ticket brokers to have the Mitchell bill limiting brokerage fees to 75 cents declared void was postponed until Friday by New York Supreme Court Justice J. Sidney Bernstein.

The court set the Friday hearing in the face of requests for a one-month postponement made by Charles Weinstein, assistant corporation counsel; William Klein, attorney for the Shuberts, and Rebecca Bernstein, representing Actors Equity Ass'n, who stated the longer period was needed for them to complete their preparations for defense of the statute. Justice Bernstein declared that public interest required an early hearing so that the case could be speeded to the U. S. Supreme Court for review.

'Untamed' At $40,000 Beats Chicago Heat

CHICAGO, July 29.—The sudden arrival of hot weather sent Chicagoans to the country seeking relief and sent box-office receipts down.

However, the Loop theatres did a better than average hot weather business as thousands of Loop visitors sought relief from the unprecedented heat by sitting in the air conditioned theatres. The Chicago with Glenn Miller and "Untamed" as the attractions, drew swing fans to do a fair business.

Estimated takings for week ending July 26:

"One Million B. C." (U. A.)

APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: $4,500. (Average, $6,500)

"Untamed" (Para.)

CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Glenn Miller and Band. Gross: $40,000. (Average, $32,000)

"Favorite Wife" (RKO)

GARRICK—(1,000) (35c-55c-75c) 7 days, 2nd week. Gross: $4,500. (Average, $5,000)

"Passport to Alcatraz" (Col.)

ORIENTAL—(3,200) (25c-40c) 7 days. Stage: Pinky Tomlin and Orchestra. Gross: $18,000. (Average, $13,000)

"Andy Hardy Meets Debutante" (M-G-M)

ROOSEVELT—(1,500) (35c-55c-75c) 7 days. Gross: $9,000. (Average, $11,000)

"20 Mule Team" (M-G-M)

STATE-LAKE—(2,700) (25c-40c) 7 days. Stage: Duncan Sisters. Gross: $15,000. (Average, $15,000)

"New Moon" (M-G-M)

UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 3rd week. Gross: $10,000. (Average: $14,000)

"Gone With the Wind" (M-G-M)

WOODS—(1,100) (75c-$1.10-$1.50) 7 days, 26th week. Continuous to 2:30 P. M. Reserved at 8:00 P. M. Gross: $5,000.

'Maryland' Takes $10,000, Cincinnati

CINCINNATI, July 29.—"Maryland" took $10,000 at the RKO Palace. "Andy Hardy Meets Debutante" did $4,200 in its third week at the RKO Lyric. The weather was excessively hot.

Estimated takings for the week ending July 24-27:

"Untamed" (Para.)

RKO ALBEE—(3,300) (39c-47c) 7 days. Gross: $7,900. (Average, $12,000)

"Maryland" (20th-Fox)

RKO PALACE—(2,000) (39c-47c) 7 days. Gross: $10.000. (Average, $10,000).

"All This, and Heaven Too" (W.B.)

RKO CAPITOL—(2,000) (39c-47c) 7 days. 2nd week. Gross: $5,000. (Average, $6,500)

"Andy Hardy Meets Debutante" (MGM)

RKO LYRIC—(1,400) (33c-42c) 7 days, 3rd week. Gross: $4,200. (Average, $5,000)

"Carson City Kid" (Rep.)

"A Fugitive From Justice" (W.B.)

RKO FAMILY—(1,000) (15c-28c) 4 days. Gross: $1,400. (Average, $1,500)

"Babies For Sale" (Col.)

"On Their Own". (20th-Fox)

RKO FAMILY—(1,000), (15c-28c) 3 days. Gross: $700. (Average, $900)

"The Man Who Talked Too Much"

KEITH'S—(1,500) (39c-47c) 7 days. Gross: $3,900. (Average, $6,000)

Jennings New Agent Of S. F. AGVA Unit

SAN FRANCISCO, July 29. — John Jennings, member of the former New York dance team of John and Mary Jennings, has been named business agent of the local chapter of American Guild of Variety Artists. New directors are B. B. Berman, John Dove, and Adi Capitol. Fourteen deputies have been selected among the casts of shows at the Fair to check on union activities there.

Critics' Quotes . . .

"THE RAMPARTS WE WATCH" (RKO)

Logically and with power does "The Ramparts We Watch" bring the gospel of wartime preparedness to the public. It should reach far beyond any normal assemblage that may gather to view a screen entertainment; it deserves the attention of every American.—*Edwin Schallert, Los Angeles Times.*

The editors of *Time* and *Life,* sponsors of the production, prove they are far out of their field of endeavor. In this they lack the brittle crispness, the sharply informative method they successfully use with their short subjects. —*Jimmy Starr, Los Angeles Herald and Express.*

"SEA HAWK" (Warners)

Has tremendous scope . . . excitement plus and a really worthwhile story. Here are compliments to Jack Warner and Hal Wallis who deserve credit for making so expensive a production when most studios are counting their pennies.—*Louella O. Parsons, Los Angeles Examiner.*

Will have the approval of persons who prefer to forget that war today means mass murder. . . . Lavish as the whole thing is, "The Sea Hawk" in color would have been really spectacular.—*Virginia Wright, Los Angeles Daily News.*

Sum total opinion may well be ventured that the picture will be one of the most successful of the year, if not the best winner since "Gone With The Wind."—*Edwin Schallert, Los Angeles Times.*

"NEW MOON" (M-G-M)

Jeanette MacDonald and Nelson Eddy at their tuneful best singing Romberg's hauntingly beautiful melodies.—*Lee Mortimer, New York Daily Mirror.*

The audience expressed hearty approval . . . a suitable vehicle for Miss MacDonald and Eddy . . . has adventure, romance and humor.—*Wanda Hale, New York Daily News.*

As handsome and dated as you might have expected . . . too long and tiresome but there is no denying its entertainment potentialities.—*Howard Barnes, New York Herald Tribune.*

Once more the enraptured claque of MacDonald-Eddy fans were clapping and giggling fit to kill at each little touch scored by its favorites.—*Bosley Crowther, New York Times.*

"QUEEN OF DESTINY" (RKO)

Memorable as a gorgeous record of Victorian court life . . . recorded with a historical accuracy and a technical brilliance—of acting, directing and photography—that is seldom achieved in a single film.—*Boston Daily Globe.*

Mr. Wilcox has given the picture a magnificent production and the use of England's famous palaces and castles gives the picture added impressiveness and authenticity.—*Helen Eager, Boston Traveler.*

Words spoken in the dialogue make it even more timely than its predecessor . . . the production is one that deserves quality exploitation.—*Edwin Schallert, Los Angeles Times.*

"SOUTH OF PAGO PAGO" (United Artists)

There is enough brutality, forcibly demonstrated by Victor McLaglen and his cohorts, including Douglas Dumbrille, to satisfy the most bloodthirsty . . . direction is tense and fast-paced.—*Dorothy Guinan, Philadelphia Daily News.*

The work of photographer John Mescall is far superior to that of screen author George Bruce.—*Laura Lee, Philadelphia Bulletin.*

While colorful, the photoplay is a conventional member of its school, and the players are found in familiar characterizations.—*Ollie Wood, Philadelphia Ledger.*

Has an uphill struggle to maintain even slight interest in this oft-told tale, a tale so familiar that the audience is always several jumps ahead of the fumbing script.—*Mildred Martin, Philadelphia Inquirer.*

Above the average of South Sea island films. . . . For all its threadbare situations, the film is good entertainment.—*Harrison Carroll, Los Angeles Herald Express.*

"THE GHOST BREAKERS" (Paramount)

Just what the doctor ordered in the way of escapist entertainment . . . artfully put together, and the supporting cast is excellent.—*Philadelphia Evening Ledger.*

The performance of both the stars is impressive, as is the direction . . . affords much in the way of entertainment and amusement.—*Dorothy Guinan, Philadelphia Daily News.*

Two laughhs to every shiver—and plenty of shivers. . . . George Marshall directed in the fashion called for by ghost mysteries; but he didn't allow enough pauses for the audience's laughter.—*Philadelphia Inquirer.*

The mystery is more creepy and the gags even funnier (than "The Cat and the Canary") . . . just what the doctor ordered.—*Elsie Finn, Philadelphia Record.*

"MY LOVE CAME BACK" (Warners)

Its refreshing lightness will give you a decided lift and brighten your day considerably.—*Wanda Hale, New York Daily News.*

The producers have concocted and set to music a featherlight frolic, a rollicking roundelay of deliciously pointed nonsense.—*New York Times.*

Music and romance have been nicely blended. . . . Kurt Bernhardt's staging is excellent.—*Howard Barnes, New York Herald Tribune.*

Should do Warners as much good as a key to the mint . . . has laughs by the score.—*Henry T. Murdock, Philadelphia Ledger.*

Strictly lightweight entertainment, and with its naughtiness all carefully sugar-coated.—*Mildred Martin, Philadelphia Inquirer.*

May have audiences coming back. It is that good.—*Dorothy Guinan, Philadelphia Daily News.*

'New Moon' Is Best Grosser In Hub's Heat

BOSTON, July 29.—The Orpheum and State, drawing $20,700 and $13,500, respectively, with "New Moon," alone were strong in a week of poor grosses as the result of hot weather.

Estimated grosses for the week ending July 24:

"Passport to Alcatraz" (Col.)

"Dr. Christian Meets the Women" (RKO)

KEITH BOSTON — (3,200) (15c-20c-35c-40c) 7 days. Gross: $6,500. (Average, $8,000)

"Cross Country Romance" (RKO)

"Queen of Destiny" (RKO)

KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: $14,000. (Average, $16,000)

"All This, and Heaven Too" (W. B.)

"Pop Always Pays" (RKO)

METROPOLITAN — (4,367) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $15,000. (Average, $15,500)

"Way of All Flesh" (Para.)

"Lucky Cisco Kid" (20th-Fox)

PARAMOUNT — (1,797) (25c-35c-40c-55c) 7 days. Gross: $6,000. (Average, $7,500)

"Way of All Flesh" (Para.)

"Lucky Cisco Kid" (20th-Fox)

FENWAY — (1,320) (25c-35c-40c-55c) 7 days. Gross: $3,500. (Average, $4,500)

"The Ghost Breakers" (Para.)

"Queen of the Mob" (Para.)

SCOLLAY — (2,500) (25c-35c-40c-50c) 7 days. Gross: $3,500. (Average, $4,000)

"New Moon" (M-G-M)

"Military Academy" (Col.)

LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: $13,500. (Average, $12,000)

"New Moon" (M-G-M)

"Military Academy" (Col.)

LOEW'S ORPHEUM — (2,900) (25c-35c-40c-55c) 7 days. Gross: $20,700. (Average, $17,500)

'Heaven' at $6,400 In Milwaukee Heat

MILWAUKEE, July 29.—Best grosser in a stifling week was "All This, and Heaven, Too," which garnered $6,400 in its second week at the Warner. Other business was slow.

Estimated takings for the week ending July 25:

"All This, and Heaven, Too" (F. N.)

WARNER'S—(2,400) (30c-40c-55c) 8 days, 2nd week. Gross: $6,400. (Average, $4,500).

"Saps at Sea" (U. A.)

"Girls of the Road" (Col.)

PALACE—(2,400) (30c-40c-55c) 7 days. Gross: $4,000. (Average, $4,000)

"Gangs of Chicago" (Rep.)

RIVERSIDE—(2,700) (28c-33c-44c) 7 days. Stage: Red Skelton. Gross: $6,500. (Average, $6,500)

"Andy Hardy Meets Debutante" (M-G-M)

"Four Sons" (20th-Fox)

STRAND—(1,400) (30c-40c-55c) 7 days, 2nd week. Gross: $1,100. (Average, $1,500)

"Maryland" (20th-Fox)

"Sailor's Lady" (20th-Fox)

WISCONSIN—(3,200) (30c-40c-55c) 7 days, 2nd week. Gross: $5,300. (Average, $5,500)

'Heaven' at $6,600 Best in New Haven

NEW HAVEN, July 29.—"All This, and Heaven, Too" dualled with "Saps at Sea" at the Roger Sherman, took $6,600. Other houses stayed under average, as hot, muggy weather sent crowds to the beaches.

Estimated takings for the week ending July 24:

"Andy Hardy Meets Debutante" (M-G-M)

"Phantom Raiders" (M-G-M)

COLLEGE—(1,499) (39c-55c) 7 days, 2nd week. Gross: $2,300. (Average, $2,700)

"Maryland" (20th-Fox)

"Manhattan Heartbreak" (20th-Fox)

LOEW-POLI—(3,040) (39c-55c) 7 days. Gross: $5,300. (Average, $8,000)

"You're Not So Tough" (Univ.)

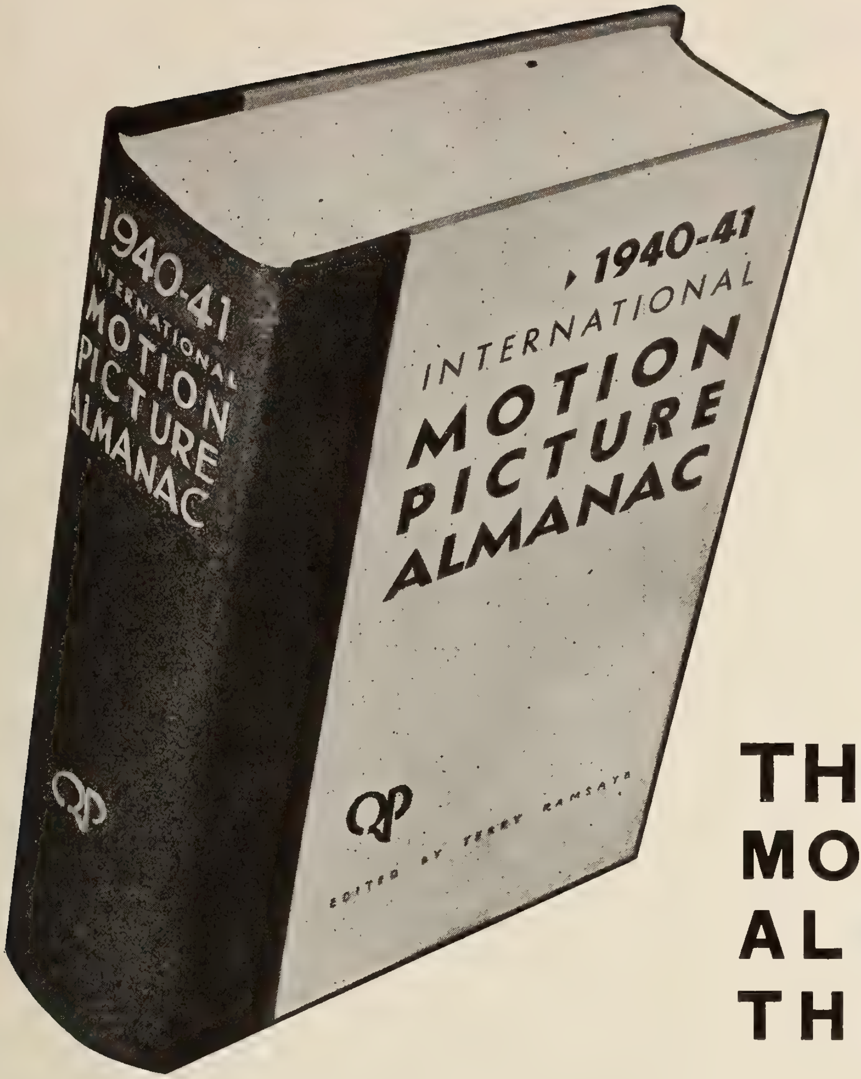
"The Light of Western Stars" (Para.)

PARAMOUNT—(2,348) (39c-55c) 7 days. Gross: $3,500. (Average, $4,000)

"All This, and Heaven, Too" (W. B.)

"Saps at Sea" (U. A.)

ROGER SHERMAN—(2,200) (39c-55c) 7 days. Gross: $6,600. (Average, $5,000)


1940-41
INTERNATIONAL
MOTION
PICTURE
ALMANAC
QP
EDITED BY TERRY RAMSAYE

Edited by TERRY RAMSAYE

THE NEW 1940-41 MOTION PICTURE ALMANAC IS ON THE PRESS.

OVER 1,200 PAGES OF VITAL INFORMATION. A BOOK FOR THE ALERT SHOWMAN'S EVERY-DAY USE! ORDER NOW.

$3.00 *The Copy*

QUIGLEY PUBLICATIONS
ROCKEFELLER CENTER NEW YORK

QP

500 Stations Join in Fair Radio Tribute

More than 500 independent and network stations will carry the one-hour program, "This is Radio" which will climax Broadcast Day at the New York and San Francisco World's Fairs Sunday. The program, which will be heard from 8 to 9 P. M., will feature performers whose names have become household words all over the country.

Several Cities Linked

Most of the program will come from the Court of Peace at the New York Fair with San Francisco and studios in Hollywood, Chicago and other cities will be linked. Dr. John S. Young and R. C. Coleson, radio directors of the New York and San Francisco Fairs, respectively, will act as masters of ceremony. The broadcast will open with an ode to radio by John La Touche. Included in this part of the program will be the NBC Symphony Orchestra, Paul Whiteman, Frank Black, Howard Barlow, Morton Gould, Frank Munn, Virginia Rea, Parker Fennelly, Arthur Allen, Clifton Fadiman, Ted Husing, Graham McNamee, Conrad Thibault, Dorothy Gordon, Major Edward Bowes, Raymand Gram Swing, Tommy Riggs, James Melton, Richard Crooks, Amos 'n' Andy, Joe Penner, Orson Welles, Frances Langford, Fannie Brice, Morton Downey and others.

Notable Speakers

Following this, there will be a dramatic presentation by Norman Corwin. Speakers on "Freedom of Radio" will include Rabbi Jonah B. Wise, Walter W. Van Kirk, executive director, Federal Council of Churches; Roger Baldwin, of the American Civil Liberties Union; James L. Fly, FCC chairman; Mr. Harold V. Milligan, president, National Council of Women; John W. Studebaker, U. S. Commissioner of Education; and William Green, president, American Federation of Labor. After several brief tributes to radio, the program will end with the singing of "The Star Spangled Banner" by artists and spectators at the ceremonies at both sides of the continent.

Officials to Attend WIP Studio Opening

PHILADELPHIA, July 29.—The formal dedication and opening of the new WIP $80,000, 5,000-watt transmitter and building will take place Thursday at the studios here, attended by James Lawrence Fly, FCC chairman; Neville Miller, NAB president; Benedict Gimbel, Jr., WIP president; and the mayors of 15 municipalities in Southern New Jersey and Eastern Pennsylvania which will be added to WIP's new coverage area because of the increased power.

Bryk Seized by Nazis

Hugo Bryk, Ascap representative in Paris, has been in a German concentration camp since the Nazi occupation of France, according to advices received by friends here.

Off the Antenna

A new program policy will be initiated by WOV on August 12 with all its evening hours, from 6 P. M. to midnight, devoted exclusively to dance and popular music. The only exceptions to the straight musical programs will be a 15-minute sports review daily at 6:15 P. M. and a five-minute news summary every hour on the hour. The station's "Opera Hour" will be heard Sunday nights only at 9 o'clock.

Italian language programs will be limited to daytime hours and all daytime sustaining programs will be in English except those designed to foster American traditions or for some public service announcement. In preparation for the change, WOV is building a large library of recorded music.

• • •

Program News: *"Crime Doctor" will replace "Musical Game" for Philip Morris over 62 CBS stations next Sunday at 8:30 P. M. . . . "Platterbrains" will be resumed over WNEW next September. . . . Next Monday at 4:15 P. M. WMCA will inaugurate a new series to teach sports to women. . . . Bill Berns, WBNX film commentator, is now conducting a recorded series Fridays at 4:15 P. M.*

• • •

The radio team of Al and Lee Bland, brothers, who, in addition to announcing duties, have conducted the "Morn Patrol," early morning commercial over WCKY, Cincinnati, will be split Friday when Lee leaves to become program manager at WFMJ, Youngstown, O. Al Bland will continue at WCKY with a new partner, as yet not selected.

• • •

Purely Personal: *FCC Chairman James L. Fly will be heard next Monday on "Radio and Public Service" from the NAB convention. . . . Ray Katz, WHN program director, and Arthur Weill of the accounting department, left yesterday for their vacations. . . . Ronnie Goldenberg, WNEW auditor, will be married to Laura Whitehorn Aug. 18. . . . Harold Miller, WBNX engineer, and Walter Holmes, announcer, returned from vacations yesterday. . . . George M. Cohan will make one of his rare radio appearances on the Cities Service "Concert Hour" over NBC-Red Friday at 8 P. M.*

• • •

Radio equipment of the *America* which arrived here on her maiden voyage yesterday is the finest ever installed on an American liner, according to Charles J. Pannill, president of the Radiomarine Corp. Eight transmitters, nine receivers, a radio compass, a radio auto alarm were installed at a cost of $50,000, Pannill said. The ship's radio room, open 24 hours a day, is handled by five ship officers. There is also a 50-watt transmitter which can operate in emergencies when all main power generators fail. Also for emergencies, two life boats have been equipped with two-way radio plants.

Indicates Television License Soon for NBC

WASHINGTON, July 29.—A license for a television station here will probably be granted to NBC this week, it was indicated today by FCC Chairman James L. Fly.

Fly declared that the network had perfected its application and the matter will be taken up at an early meeting of the commission.

Macfadden Sponsors MBS Drama Series

A new series of dramatic shows titled "I'll Never Forget," will be sponsored by Macfadden Publications over 75 Mutual stations three times weekly starting Wednesday. The programs will be heard Monday, Wednesday and Friday, 1 to 1:15 P. M. with Frank Luther and Pat Barnes featured.

Westinghouse Group Now in Philadelphia

PHILADELPHIA, July 29.—Executives of the new Westinghouse Radio Stations group have moved into their new permanent offices at KYW here. In addition to the local station, the group includes WBZ, Boston, KDKA, Pittsburgh, WBZA, Springfield, Mass., and WOWO and WGL, Fort Wayne, Ind. Headed by Walter Evans, vice-president of Westinghouse and manager of the radio division, those transferring here are Lee B. Wailes, general manager of the new broadcasting group; J. B. Rock, assistant to Wailes; Griffith Thompson, sales manager; George A. Harder, publicity manager; F. P. Nelson, in charge of short wave activities; F. A. Logue, auditor; and Gordon Hawkins, program supervisor.

CBC Allows Limited Price References

MONTREAL, July 29.—Mentioning of prices over the air, if made in connection with charities or public services, will be permitted by the Canadian Broadcasting Corp. under a new ruling just released. "Mentions of sums of money for public service purposes have been ruled not price mentions in contemplation of the regulation," the the announcement said. "This construction means that there may now be broadcast solicitation of specific sums of money in appeals on behalf of charitable, patriotic or public service organizations."

CBC emphasized that the regulations have not been relaxed for general commercial purposes and prices may be mentioned in only six instances. These are for publications incidental to the CBC information service; premium merchandising offers; non-sponsored coverage tests; postage and handling costs; announcement of "Dollar Days" and the like; and where the trade name of the article includes the price.

Where Was Moses?

SAN FRANCISCO, July 29. **—While Mel Venter was** ***broadcasting a quiz show over KPO from the World's Fair here, a power failure plunged Festival Hall into darkness. Venter kept the show going by lighting candles so that the contestants could see each other, but Jack Joy's band played its signoff in complete darkness.***

F. C. C. Authorizes Two New Stations

WASHINGTON, July 29.—The Federal Communications Commission has authorized the construction of new broadcasting stations in two Southern states.

The Roanoke Broadcasting Corp. was granted a permit for a 1,500-kilocycle, 250-watt station at Roanoke, Va., and the Twin States Broadcasting Co. was granted a permit for a 210-kilocycle, 250-watt station at Augusta, Ga.

The commission also granted WKAQ, San Juan, P.R., a change of frequency from 1,240 to 620 kilocycles and an increase of power from 1,000 to 5,000 watts.

An application of the Trent Broadcasting Corp. for a construction permit for a new 1,230-kilocycle, 1,000-watt station at Trenton, N. J., was ordered set for hearing, on a date to be announced later.

Permits for Seattle, Ohio Stations Sought

WASHINGTON, July 29.—Applications for construction permits were filed with the Federal Communications Commission today by the Butler Broadcasting Corp. for a new 1,420 kilocycle, 250-watt station at Hamilton, Ohio, and Edward E. Reeder for a new 1,420 kilocycle, 250-watt station at Seattle, Wash.

Applications also were filed by Stations WAGA, Atlanta, Ga., for change of frequency from 1,450 to 590 kilocycles and increase of power from 500 watts night, 1,000 watts day, to 1,000 watts night, 5,000 watts day, and WAIM, Anderson, S. C., for increase of power from 100 to 250 watts.

The commission tentatively set Sept. 4 as the date for hearing on the contesting applications of Stephenson, Edge & Korsmeyer and Helen J. Walton & Walter Bellatti for a new 1,150 kilocycle, 250-watt daytime station at Jacksonville, Ill.

Damage Suit Voided

Action for $10,438 damages brought by Tested Radio Features, Inc., against Texas State Network (Elliott Roosevelt) was dismissed yesterday by N. Y. Supreme Court Justice Timothy A. Leary for lack of jurisdiction. The complaint charges breach of a contract covering, "Calling All Cars," recorded series.

Loretta Young to Wed

LOS ANGELES, July 29.—Loretta Young and Thomas H. Lewis, radio advertising executive, will be married Wednesday in the Church of St. Paul, Westwood Village, with Father Francis G. Quinan officiating.

Lewis is manager of the radio department of the Young & Rubicam agency.

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 22 NEW YORK, U. S. A., WEDNESDAY, JULY 31, 1940 TEN CENTS

Lange Sees U.S. Films Cut To 20% Abroad

Para. Official Says Much Depends on Nazis

Continental Europe probably will not take more than 20 per cent of Hollywood's output while the war continues, in the opinion of Fred Lange, Continental manager for Paramount, who returned from Europe this week. Normally, the Continent takes about 50 per cent of Hollywood's output.

Lange said it was futile to predict whether business could be continued on the Continent, inasmuch as future operations depend entirely upon the regulations which will be established there by Germany. There is no in-

(*Continued on page 6*)

Hollywood, July 30.—Ben Miggins, European manager for 20th Century-Fox, arrived here today declaring there is no hope for revenue from the Continent for a long time to come. "It is hard to picture a worse set of conditions under which business could be done," he said. He will remain two weeks for studio conferences.

Korda Schedules Leigh-Olivier Film

HOLLYWOOD, July 30.—Alexander Korda today shifted his production plans, announcing that his next film will be "Lord Nelson and Lady Hamilton," starring Vivien Leigh and Laurence Olivier, and starting Sept. 15. Korda will personally direct the picture. Walter Reisch and R. C. Sherriff are doing the script. The new film will defer the production of "Cyrano de Bergerac," scheduled for Olivier.

RKO to Reopen Nine Theatres by Sept. 6

Nine RKO theatres closed during the summer are scheduled for reopening as follows: Palace, Chicago, Aug. 1; Orpheum, Kansas City, and the Shubert, Cincinnati, Aug. 15; Colonial, Dayton, Aug. 16; Albee, Providence, Aug. 29; the Grand, Cincinnati, the Strand, Syracuse, and the Grand, Columbus, all Aug. 30, and the Orpheum, Champaign, Ill., Sept. 6.

'U' Has No Maturing Debts, Says Cowdin

Refunding of Universal's $1,000,000 studio mortgage, which Motion Picture Daily exclusively reported Monday, leaves the company without any currently maturing indebtedness other than its revolving bank credits, J. Cheever Cowdin, board chairman, stated yesterday.

The mortgage was at six per cent and was held by Consolidated Film Industries. It was paid off with part of a $1,500,000 five per cent, five-year loan from the First National Bank of Boston. The balance of the loan will be used for increased working capital as a result of an enlarged production program and curtailed receipts from abroad, Cowdin said.

Wage-Hour Hearing Is Off Indefinitely

WASHINGTON, July 30.—Hearings on the film and radio industries' requests for new definitions of employe classifications under the National Labor Act were adjourned indefinitely today by Assistant Director Harold Stein of the Wage-Hour Division. Action followed the arrival from the Coast of Pat Casey, producer labor contact.

Indications are that no further hearings will be held and that if the Wage-Hour Division makes a report on the basis of testimony taken, it will recommend that the producers, studio unions and talent guilds seek an agreement through conferences in

(*Continued on page 6*)

WARNER DECIDES ON DECREE TODAY

Joseph Hazen Flies to Coast to Confer With Company President; Escape Clause Drafted to Satisfy All

Harry M. Warner, president of Warner Bros., in Hollywood today will decide his company's stand in regard to the proposed consent decree in settlement of the Government's New York- anti-trust suit.

Joseph H. Hazen of the Warner legal staff, who has been one of the negotiators to the pact, left last night by plane from New York to confer with Warner on the matter.

An escape clause has been drafted, spokesmen assert, which will satisfy all defendants, including Paramount. No mention is made by spokesmen of Universal, Columbia and United Artists, who still seem to be opposed to a decree.

Section 6, which provides against discrimination in selling, has been tightened. The provisions which deal with trade showings and unit selling are described by spokesmen as remaining virtually unchanged.

Loew's, RKO and possibly 20th Century-Fox are stated by authorities to be ready to go along with Warner Bros. in making peace, and Paramount's stand has been described as follows:

"Paramount will concur in a consent decree, providing first, that the provisions of the decree are fair and reasonable; secondly, if the provisions are made applicable without prejudice to all in the industry, big and little. It cannot concur in any proposal which is applicable to only a few."

Government lawyers and company representatives will meet again today in an effort to bring the negotiations

(*Continued on page 6*)

U.S. Queries Ascap Members on 'Trust'

All Ascap members have received questionnaires from the Department of Justice designed to reveal whether membership in the organization gave them publication and other advantages not enjoyed before they became members.

The questionnaires apparently are intended to aid the Government in its current Federal grand jury investigation of Ascap, the outcome of which will determine whether the long dormant Federal anti-trust suit against the Society will be revived.

[In Washington last night Department of Justice officials said they had no comment on what action will be taken if Ascap members refuse to reply.]

The questionnaires ask members whether they were allowed any discre-

(*Continued on page 6*)

Heat Wave Jabs Grosses

Theatre attendance in New York and throughout most of the country continued at a low level yesterday as the heat wave which has prevailed for 10 days to two weeks in most sections remained unbroken.

Scattered thunder showers in many areas brought only temporary relief and business was not much improved as a result.

Washington was in its 13th consecutive day of above-90 temperatures yesterday but with some hope of relief promised for today. Government offices closed early because of the heat and air-cooled theatres in some sections of the Capital benefited as a result. However, most neighborhood houses, whether air-cooled or not, continued to feel attendance losses.

New Haven reported a new summer low in business, and Providence reported grosses still 40 to 50 per cent off, with slight relief from the heat forecast there for late today. Afternoon temperatures in Boston yesterday were above 90 but relief was promised there for today, too. Receipts were generally below average with the exception of Loew houses which, playing "Andy Hardy Meets Debutante," claimed above average business.

The Walter Reade circuit reported normal business at houses on the Jer-

(*Continued on page 6*)

Britain Silent on Exchange Extension

LONDON, July 30.—Despite direct petitions to the Board of Trade for an extension of the exchange agreement, upon which the British production plans of American companies are entirely dependent, no satisfactory response has been forthcoming.

Representatives of the major companies here have insisted to the Board of Trade that an immediate decision on an extension of the agreement is imperative to British producers, British labor and in the interest of export activities. It is being pointed out, also, that with the present agreement expiring in October, very little time

(*Continued on page 6*)

Two Shore Premieres

Atlantic City, July 30. — Premieres of M-G-M's "Boom Town" and Warners' "Sea Hawk" will be held here on successive days. World premiere of the first will be at the Apollo, Aug. 8, while the Warner picture will bow on Aug. 9 at the Warner.

A trade showing for "The Sea Hawk" will be held at the Uptown, Philadelphia, on Aug. 5.

Cinema Lodge Sets Banquet for Oct. 26

Cinema Lodge, B'nai B'rith, will hold its first banquet and ball Oct. 26 at the Hotel Pennsylvania, A. W. Schwalberg, president, said yesterday. It is planned to hold such affairs annually.

Schwalberg has called a meeting of committees for tomorrow night at the Hotel Edison to start preparations. The following are committee chairmen: Arthur Sachson, arrangements; Col. A. Ralph Steinberg, souvenir journal; Robert Weitman, entertainment; Joseph Tisman, art; Max B. Blackman, finance; A-Mike Vogel, publicity.

Charninsky Stricken

DALLAS, July 30.—Louis Charninsky, Interstate circuit theatre manager, is critically ill with pneumonia. His brother, Hyman, an orchestra director, today donated blood for transfusion in an effort to save his life.

Personal Mention

LYNN FARNOL, United Artists advertising and publicity director, will return from Pattsburg tomorrow where he underwent four weeks of military training in the business and professional men's unit. JOHN HAY WHITNEY also will complete the course.

•

WALTON C. AMENT, general manager of Pathe News, is vacationing in Darien, Conn.

•

SAM BADAMO, manager of the College, New Haven, is at Lake Winnepesaukee, N. H., for his annual vacation.

•

JOHN WOLFBERG, recently transferred to the Loew-Poli, Springfield, Mass., as manager, has been married to MARGARET TATTEN of Kansas City.

•

HARRY ROSE, manager of the Loew-Globe, Bridgeport, will celebrate his 20th wedding anniversary Aug. 4, with a trip to Atlantic City and the New York World's Fair.

•

JOHN HESSE, manager of the Roger Sherman, New Haven, is vacationing at Lake George. Also there on vacation is MORRIS ROSENTHAL, manager of the Majestic in Bridgeport.

•

LOUISE ROUSSEAU, director for RKO Pathe shorts on the Coast, is in town.

•

TOM RUTHERFURD left Monday for Virginia after a brief visit here.

PAT CASEY, producers' labor representative, arrived in New York from Washington last night.

•

MONROE GREENTHAL, United Artists exploitation manager, will return from Dallas by plane today and is scheduled to leave for the Coast at the end of the week.

•

ARTHUR MAYER and IRVING SHAPIRO lunching at Lindy's (next to the Rivoli) yesterday.

•

MARVIN SCHENCK, EDDIE GRAINGER, SAM SHAIN, JOHN W. HICKS, BARNEY BALABAN, TOM CONNORS and ED SAUNDERS at Nick's Hunting Room in the Astor for lunch yesterday.

•

AL YOUNG, HAL HORNE, and J. J. MILSTEIN lunching at Lindy's (51st St.) yesterday.

•

MARCUS HEIMAN, FREDERIC LONSDALE, HARRY H. BUXBAUM, LOU BRECKER, JOHN GOLDEN and LEE SHUBERT lunching at Sardi's yesterday.

•

VICTOR SAVILLE, WILLIAM MCHALE, FLOYD WEBER, LEO ABRAMS, LOU POLLOCK, HANK LINET, BUDD ROGERS, RALPH AUSTRIAN, PAUL BENJAMIN and DOUGLAS ROTHACKER at the Tavern yesterday for lunch.

•

MARJORIE FORD has returned to this city after playing an engagement in Louisville.

•

V. A. CARPENTER, Altec Service inspector in Indianapolis, recently became the father of a boy.

Schenck Tax Trial Set for October 2

Trial of Joseph M. Schenck and Joseph Moskowitz on Federal tax charges was set for Oct. 2 by U. S. District Court Judge Gaston L. Porterie yesterday.

The trial date was requested by Special Assistant U. S. Attorney General Boris Kostelanetz. The request of Max D. Steuer, attorney for Schenck, for a postponement of trial to November was refused.

Judge Porterie directed that the Government by Sept. 3 designate the indictment on which it intends to go to trial.

Warner Foreign Men Are Here for Parleys

Peter Colli, Warner supervisor for Cuba, Mexico and Central America, is conferring here with Joseph S. Hummel, foreign chief, on plans for selling the new season's program in his territories.

Another Warner foreign representative, Harold Dunn, Far Eastern supervisor, has arrived on the Coast from Shanghai and is due in New York in a few days.

Levy, Ferri Due

M. A. Levy, Minneapolis district manager for 20th Century-Fox, and Roger Ferri, editor of the company's house organ, *The Dynamo*, arrive tomorrow from an extensive tour of branches in conjunction with the Kent sales drive, of which Levy is leader.

Newsreel Parade

SHOTS of a British-Italian battle in the Mediterranean and a German raid on a British convoy in the Channel bring the war back to the newsreels. The royal reception which New York extended to the new U. S. liner, America, *also is featured. The contents follow:*

MOVIETONE NEWS, No. 93—Brit[illegible] and Italian ships in Mediterranean battle. Nazi planes attack British convoy. Roosevelt at naval base in Virginia. Artillery shells made in Philadelphia. *America* arrives in New York. Tennis matches. Horse racing in Hollywood. Lew Lehr.

NEWS OF THE DAY, No. 291—Air raid over English Channel, Battle in the Mediterranean. Roosevelt inspects defenses. Munitions production speeded here. New York welcomes *America*. Wrestling bouts. Horse racing.

PARAMOUNT NEWS, No. 96—Luxemburg royalty arrives at Annapolis. Willkie in Salt Lake City. Harmonizing contest at the Fair. New York reception for *America*. Roosevelt at Norfolk naval yard. Italy and England in naval battle. British ships and Nazi planes in Channel fight.

RKO PATHE NEWS, No. 108—German planes attack British convoy. Speed artillery shell production in Philadelphia. Germans burn lumber yard in England. *America* arrives. Horse racing in California.

UNIVERSAL NEWSREEL, No. 897—British convoy and Nazi bombers in battle. Roosevelt at Norfolk navy yard. Willkie hailed in Salt Lake City. Rush production of firearms in Springfield, Mass. New York welcomes *America*. Turf classic in California. Primitive statue found in Mexico. Wrestlers in battle royal. Lumber yard fire in England.

Bioff's Lawyer Says Legal Efforts Fail

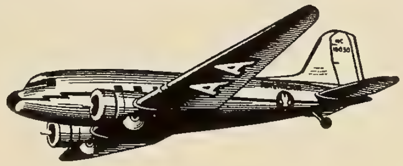
CHICAGO, July 30.—Walker Butler, attorney for William Bioff, said here today he has exhausted all legal efforts to secure release of the former Hollywood I.A.T.S.E. leader from jail. Federal Judge William Holly has entered a formal order denying Walker's application for a habeas corpus writ which would have released Bioff from Bridewell prison, where he is serving a six-months' sentence.

Cancel Schine Meeting

ROCHESTER, July 30.—Meeting of Schine managers in Rochester and Buffalo slated for next month has been cancelled and a district managers' meeting in Gloversville substituted.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



CALIFORNIA
TEXAS ★ ARIZONA

4 FLAGSHIPS DAILY COAST-TO-COAST

★ It's a delightfully cool overnight skysleeper trip to Los Angeles via American's Southern All-Year Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAvemeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES
The Sun Country Special 7:05 am
The Plainsman . . . 4:25 pm
The Mercury . . . . 5:10 pm
The Southerner . . .10:15 pm
(*Standard Time*)
Twice Daily to
MEXICO CITY

AMERICAN AIRLINES *Inc.*
ROUTE OF THE FLAGSHIPS

New British Scales With Tax Due Soon

LONDON, July 30.—The first definite efforts by exhibitors to formulate new admissions policies as a result of the recent increase in the entertainment tax are expected to occur this week.

While the Cinematograph Exhibitors Ass'n possesses no authority over the establishment of admission scales, its local branches, following the lead of the parent body, are planning to hold meetings to give members the benefit of open discussion and exchange of views in formulating their own policies.

It is forecast in official quarters that under the new scales four-penny admissions will be increased to five-pence and six-penny seats will be increased to seven pence, at least.

The circuits which will meet this week favor a general increase in scales all along the line. They also are advocating elimination of the six-penny admissions in first runs and the inauguration of a nine-penny minimum admission instead. A Kent exhibitor group has made a formal request for the inauguration of a one shilling (12½c) minimum. However, there are sharp differences of opinion on new policies between first and subsequent run operators.

Executive Committee Conducts Four-A's

An executive committee composed of Paul Dullzell, Actors Equity executive secretary; Emily Holt, American Federation of Radio Artists executive secretary; and Florence Marston, Eastern representative of Screen Actors Guild, has taken over the affairs of Associated Actors and Artistes of America following the resignation last week of Frank Gillmore, president.

Offices and records were removed to the building owned by Equity. The new executive committee will function subject to the direction of the 4-A international board and Gillmore will also render occasional assistance. Gillmore's salary has been reduced from $13,000 to $7,800 annually. No decision will be made on a successor for some time, it was said.

Carey Set for 'Shepherd'

HOLLYWOOD, July 30.—Paramount today signed Harry Carey for the title role in "Shepherd of the Hills," William LeBaron production of the Harold Bell Wright novel. The deal was closed by Y. Frank Freeman, Paramount vice-president, by long distance telephone to Skowhegan, Me., where Carey is playing in the summer theatre.

Judy Canova Honored

About 50 industry personalities and newspapermen attended a cocktail party tendered to Judy Canova yesterday at the Hotel Warwick by Republic. Among those present were H. J. Yates, J. R. Grainger, Frederick Smith, Sam Shain, Roy Chartier, Alan Dinehart, Tom Pryor, Lyle Talbot, David Whalen, Charles Reed Jones.

London Review

"Busman's Honeymoon"

(M-G-M British)

LONDON, July 30.—English audiences have come to expect the superlative from Metro's British outfit. The three predecessors of this war-time effort—which, by the way, has no mention of war in it—have justifiably set a high standard. The standard of "Busman's Honeymoon" has obviously suffered from the preoccupations of war, but it is polished entertainment none the less. Miscast as Robert Montgomery will seem to be to the English audience, in the role of a titled detective, he will be a box office draw, and box office draws are needed in blacked-out Britain. Essentially the film is a mere "whodunit" without any sensationally saving graces, but it will build its appeal on the factors already noted. It is very leisurely in getting into its stride and could be shorn of 1,000 feet without the fans being any the wiser. It would make them much more attentive.

Montgomery's role is that of Lord Peter Wimsey, a character creation of detective fiction—the more literary variety. On his honeymoon in Devonshire he gets caught up in a murder mystery, and contrary to all his vows sets to work and solves it.

The setting is rustic Devon, with the English aristocrats (with American accents) byplaying with the villagers, a pawky parson, some very odd women, a surely and bloodthirsty laborer, the local constable and so forth. The treatment of this rustic canvas is more fanciful than faithful, but all the old wheezes of bucolic comedy are explored and there are a thatched cottage and a village inn. Arthur Woods, however, has done a polished and witty directorial job and the script is fluent. Only the scissors seem to have been mislaid.

Montgomery and Constance Cummings are pleasant and Sir Seymour Hicks as a stylized butler, Robert Newton as the laborer, Aubrey Mallalieu in an excellent parson portrayal give the comedy a character flavor.

Technically the film is excellent.

Running time, 99 minutes. "A."* AUBREY FLANAGAN

** "A" denotes adult audience classification.*

London Labs Agree On Female Employes

LONDON, July 30.—An agreement in principle on the employment of women technicians in film laboratories here and on their employment terms has been reached by the Production Association.

The agreement permits the employment of women on an equal pay, equal work basis as that which prevails for men but is contingent upon no employable males being available.

R&R Buys RKO Program

RKO has closed a new season product deal with the Robb & Rowley circuit, which operates 34 theatres in Texas and Arkansas. The deal covers all of RKO's new season features and short subjects. Bob Mochrie, Eastern division manager, and Sol Sachs, Dallas branch manager, represented the distributor, and Ed Rowley and C. V. Jones represented the circuit.

Mexico Starts Probe Of Theatre Disaster

MEXICO CITY, July 30.—The Federal Government today started an investigation of the disaster yesterday at the Mariano Escobedo Theatre at Montmorelos on the East Texas border, in which 24 persons were believed killed and 76 injured when the roof collapsed due to torrential rains. Nineteen bodies have been recovered.

Canadian Operators Donate to War Chest

TORONTO, July 30.—Moving Picture Operators Local No. 257 of Ottawa, Ont., has made a donation of $500 from the union funds to the Canadian Government for its war chest, according to announcement by William Hartnett, secretary-treasurer of the local. In addition, the projectionists have donated their services for voluntary war activities, including various patriotic shows.

Eastman Slashes Prices

Sweeping reductions in prices for both negative and positive film have been announced by Eastman Kodak Co. to assist the industry in the face of losses from foreign revenue as the result of war conditions in Europe.

This contribution to the industry is being made regardless of the fact that Eastman Kodak has suffered a considerable loss itself in the disturbed foreign markets.

Negative film prices were cut 12½ per cent from four cents per foot to 3½ cents and positive stock was cut 15 per cent from one cent to .85 cent per foot.

The new prices will go into effect tomorrow.

K.C. to Resume Singles Test In the Fall

KANSAS CITY, July 30.—A four-week experiment with single bills on weekend changes will be concluded next Sunday by Kansas City, Kan., subsequent run houses, although results of the experiment were satisfactory, according to Jack Truitt, manager of the first run Electric and president of the Theatre Owners Association in that city.

Some of the exhibitors will continue singling voluntarily. The group believed that they should forego the test until Fall, when the product situation may be more suitable. Meantime, some of the houses will voluntarily continue to single on weekends with strong pictures. These will include the first run Granada and Electric, which did not participate in the single bill test.

Another factor in the decision to forego the test temporarily is the 25-cent night balcony price at Kansas City, Mo., first runs, some of which double bill. Kansas City, Mo., first runs still have the same protection over the neighboring city as they had when 40 cents was the usual night price.

Canada Stamp Sale Brings $695,448

TORONTO, July 30.—With more returns yet to be made from various parts of the Dominion for the National Theatre Night of 975 theatres, the Dominion Government has already acknowledged receipt of $695,448 as the proceeds of the sale of war savings stamps, the sale of at least two of which secured admission to a patriotic performance.

Records compiled show that 604,000 seats were occupied at these shows out of a total of 650,000 distributed and 392,274 war certificate folders, each having spaces for $4 worth of stamps, were given out to patrons on the night of the free shows. The highest average sale of war stamps per theatre was recorded in the Province of Nova Scotia with $1,120, while the theatres of that Province also secured the highest seat average with $1.90 in stamp sales for each seat. Complete results of the theatre night will run into the millions of dollars because many patrons who bought only two 25c stamps for admission will fill out their certificates.

Sparks-Republic Deal

Republic has closed a deal for its new season lineup with the 75 theatres in the Sparks-Publix Florida circuit, J. R. Grainger, president, announced yesterday. Grainger and Arthur C. Bromberg, Southern franchise holder, represented Republic, and Frank Rogers represented the circuit. Bromberg, who flew here from Atlanta, will remain several days.

High Test for Jones

Allan Jones participated in a test recording his voice at an altitude of 18,000 feet, while flying here from the Coast. Jones arrived here yesterday on the Stratoliner with Irene Hervey.

CLARK
GABLE
in
"BOOM
TOWN"

SPENCER
TRACY
in
"BOOM
TOWN"

"BOOM TO

Screen Play by John Lee Mahin • Based on a Story by James Edward Grant • Directed by JACK CONWAY • Produced by Sam Zimbalist

A METRO-GOLDWYN-MAYER PICTURE

CLAUDETTE
COLBERT
in
"BOOM
TOWN"

HEDY
LAMARR
in
"BOOM
TOWN"

WN" *is Four Pictures in ONE!*

As great as its Stars! Never before! Perhaps never again will Hollywood place four headline screen favorites in one production so thrilling and spectacular it towers over many of the industry's famed Road-shows!

Mercury Still Jabs Nation's Box-Offices

(Continued from page 1)

sey shore and Long Island, where the heat was less intense. Laurence Bolognino, head of Consolidated Amusement Enterprises, reported a decrease in grosses of 10 to 15 per cent as compared with the same period last year. Century Circuit business was said to be 50 to 60 per cent of normal last week but slightly improved this week.

Toronto and other Canadian cities reported weather and business conditions unchanged as the heat persisted. Attendance was described as at "low ebb."

Offices Close Early

Home offices of four companies closed early yesterday due to the insufferable heat. Loew's closed at 3 P. M., RKO at 3:30 and Warners and Paramount at 4. Columbia, United Artists and 20th Century-Fox, which have air conditioning, were unaffected.

The Midwest heat wave persisted, too, with Cleveland, Cincinnati and Minneapolis reporting business and weather conditions unchanged and attendance at low levels.

Matinee business was reported improving in Milwaukee but night attendance remained below normal. Chicago's air-cooled houses were doing about average business as the mercury dropped slightly there. The relief was believed to be temporary, though, with warmer weather forecast for today.

Omaha reported good business with cool, rainy weather prevailing. The rain was welcomed by exhibitors as well as farmers, as it was badly needed by Nebraska's crops and good crops spell good Fall and Winter theatre business in the state.

Warner Decides On Decree Today

(Continued from page 1)

to a close. Long morning and afternoon sessions were held yesterday. Spokesmen last night were optimistic that within a few days, the decree will take final form and be ready for adoption.

It is reported that independent theatre owners are continuing to register their reactions to the proposed decree with the Department of Justice in Washington.

One report which circulated through the trade late last night was that the Department of Justice was hoping that it could call a hearing on the decree for the independents late this week or early next week.

Stop 'Family Portrait'

CUMBERLAND, R. I., July 30.—Police declared that they had been instructed to prevent any performance of "Family Portrait" at the Barn Theatre, a Summer playhouse. The play was scheduled to open tonight.

Hollywood Review

"Golden Gloves"

(Paramount)

HOLLYWOOD, July 30.—In Hollywood's definition, a "sleeper" is a low-budget picture which turns out to be high-voltage in entertainment quality. Such a picture is Paramount's "Golden Gloves," which is the fictionalized story of the development of the annual amateur boxing tournaments.

"Golden Gloves" carries the message of sportsmanship, as exemplified in the best American tradition. It is entertainment throughout, being one of the best films of the squared circle to come out of Hollywood. Rich in human values, the picture makes Richard Denning and Jean Cagney potential starring material.

The idea of making a film depicting the tournaments was that of William C. Thomas, associate producer. He assigned Maxwell Shane to write the story and Shane and Lewis R. Foster, (the latter having contributed to the unpublished story which formed the basis of "Mr. Smith Goes to Washington") wrote the script.

Edward Dmytryk directed the offering, giving it a well balanced sense of timing.

In addition to Denning and Miss Cagney, who have their first featured film roles, the cast includes J. Carrol Naish, Robert Paige, William Frawley, Edward S. Brophy.

Running time, 70 minutes. "G."*

VANCE KING

"G" denotes general classification.

Wage-Hour Hearing Is Off Indefinitely

(Continued from page 1)

Hollywood with representatives of the Wage-Hour Division.

Adjournment of the hearings followed the registering of objections by studio unions and guilds on Monday to the producers' proposals for re-defining "executive," "administrative" and "professional" employes. The spokesmen for the unions and guilds contended that the proposed changes in employe definitions would increase unemployment by broadening the exemptions of many employes from the provisions of the National Labor Act.

Casey was summoned from Hollywood and is believed to have conferred with the union spokesmen prior to the adjournment of the hearings. Casey left for New York today.

The producers testified that 4,556 studio employes who are paid wages well above the minimum were unreasonably included in the Labor Act definitions. Most of these, they said, are in positions of major responsibility yet are not exempt from the provisions of the Act.

Philadelphia Variety Club's Dinner Dec. 5

PHILADELPHIA, July 30. — Plans have been completed for the annual Variety Club dinner to be held either Dec. 5 or 12 at the Bellevue-Stratford Hotel, a Thursday instead of the usual Sunday night chosen to make it possible for a better turnout of home office executives. Jack Beresin is the general chairman of the annual banquet, Dave E. Weshner is chairman of the entertainment committee and Ted Schlanger chairman of the dais committee.

The Philmont Country Club will be the scene for the annual golf tourney on Sept. 13. Milton Rogasner is tourney chairman, Harry Ball and Dave Milgram assisting, and Oscar Neufeld treasurer,

U.S. Queries Ascap Members on 'Trust'

(Continued from page 1)

tion in determining the terms of contracts with music publishers and whether, prior to joining Ascap, they had difficulty having their songs published or played.

Ascap officials yesterday were noncommital about the questionnaires, remarking that they have been aware of their existence for several weeks. A list of Ascap members, among other papers and records of the Society, was turned over to the Department of Justice under Federal court order in the course of the grand jury investigation two months ago.

Britain Silent on Exchange Extension

(Continued from page 1)

is left for American companies to plan and make arrangements for major production. Their only alternative, they assert, is to resume production of single quota pictures under the old system.

The Board of Trade asserts that it is unable to make a decision on an extension pending a determination of broader and more important exchange matters. It has agreed, however, to permit films which are begun now and on which substantial progress has been made by October, to be completed under the present regulations. This concession, however, is considered wholly inadequate by American representatives.

It is understood that Warners will resume production of single quota films.

Meanwhile, the Films Council has completed its report of the second year of operation of the Films Act and is expected to publish its findings within a fortnight.

Metro Buys Play

M-G-M has purchased the film rights to "A Woman's Face," a French play by Francis de Groisset.

Lange Sees U.S. Films Cut To20%Abroad

(Continued from page 1)

dication at this time, he said, what those regulations will be like.

Lange said the determining factor will be the financial one. If operations, under the forthcoming regulations, can be conducted profitably and some part of that profit can be remitted to America, the film business will continue to function in Europe pretty much as it always has. If not, he sees no reason for continuing operations abroad.

Nazi Military in Charge

The German military command in France already has established a regulatory body for the film industry, Lange reported. Its principal function at present appears to be that of censor. Programs are limited to a maximum of about 11,000 feet; no anti-German, anti-Nationalist or war films may be exhibited.

The Germans encouraged the reopening of theatres in Paris, Lange said, and on July 7 received a report that 100 theatres in the city were operating and 25 had reopened in the suburbs. German films were brought in and are being shown widely. There were 20 distributors operating in Paris on July 7, he said, although only three—RKO, Loew's and Universal—were American companies.

Lange said that only Paramount and Loew's were still operating in Germany, 20th Century-Fox having withdrawn recently.

In Barcelona, prior to his departure for America, Lange received reports that Germany had concluded a contract to supply Spain with 80 German language pictures during the next year. He said it was reasonable to believe that similar deals would be closed in France and other occupied territories.

Armour in Lisbon

Lange will remain here indefinitely, his future plans being dependent entirely upon future developments on the Continent.

He reported that according to information received abroad, RKO is the only company endeavoring to maintain European headquarters now. Reginald Armour, the company's Continental manager, has established headquarters at Lisbon. Other companies either are directing European operations from the home offices or are carrying on regional activity only, abroad.

Problems of transportation and communication are so great, he said, that Continental operations can be little more than haphazard.

Segel Golf Winner

SEATTLE, July 30.—Mendy Segel, brother of Morris Segel, manager of the Paramount exchange, was low gross winner in the annual Northwest Film Club golf tournament at Inglewood Golf Club here. Low net score was turned in by Alan Morgan. More than 150 exchange employees and exhibitors attended, and 45 prizes were distributed. Joe Cooper, manager of the Film Club, directed the affair, with L. J. McGinley as master of ceremonies.

'Cisco Kid' Is Hot With $7,000 as Kansas City Bakes

KANSAS CITY, July 30.—"Lucky Cisco Kid" with Isham Jones and his orchestra on the stage took $7,000 at the Tower, a $1,000 over the house average, despite the heat wave. At the Newman "Untamed" was good for $7,500. Total first run business here was $1,700 below the average.

Estimated takings for the week ending July 24-26:

"Maryland" (20th-Fox)
ESQUIRE—(800) (28c-44c) 8 days, 2nd week. Gross: $1,900. (Average, 8 days, $2,500)
"South of Pago Pago" (U. A.)
"The Captain Is a Lady" (M-G-M)
MIDLAND—(4,000) (28c-44c) 7 days. Gross: $7,200. (Average, $9,000)
"Untamed" (Para.)
NEWMAN—(1,900) (28c-44c) 7 days. Gross: $7,500. (Average, $7,000)
"Lucky Cisco Kid" (20th-Fox)
TOWER—(2,200) (30c) 7 days. Stage: Isham Jones & Orchestra, Connie Starr. Gross: $7,000. (Average, $6,000)
"Maryland" (20th-Fox)
UPTOWN—(2,000) (28c-44c) 8 days, 2nd week. Gross: $2,500. (Average, 8 days, $3,300)

'Hardy' $10,000 St. Louis' Best

ST. LOUIS, July 30. — Matinee crowds, composed of those persons seeking relief in the air conditioned theatres from the 100-degree temperatures that have marked the weather here, helped to offset the weak box office receipts during the last week. The second week of "Andy Hardy Meets a Debutante," at the Loew's State pulled $10,000 to lead the city. Even the large open air Municipal Theatre was off in attendance:

Estimated takings for week ending July 16-25:

"Andy Hardy Meets a Debutante" (M-G-M)
"Babies for Sale" (Col.)
LOEW'S STATE—(3,162) (28c-39c-56c) 7 days, 2nd week. Gross: $10,000. (Average, $13,000)
"Tom Brown's School Days" (RKO)
"Anne of Windy Poplars" (RKO)
AMBASSADOR—(3,018) (28c-39c-56c) 6 days. Gross: $7,000. (Average, 7 days, $11,500)
"Untamed" (Para.)
"Wagons Westward" (Rep.)
FOX—(5,038) (28c-39c-56c) 7 days. Gross: $8,500. (Average, $11,000)
"All This and Heaven Too" (W. B.)
MISSOURI—(3,514) (28c-39c-56c) 7 days. Moveover from Ambassador, in 2nd week. Gross: $4,000. (Average, $4,000)
"Gambling on the High Seas" (W. B.)
"My Son Is Guilty" (Col.)
ST. LOUIS—(4,000) (28c-39c) 7 days. Gross: $2,100. (Average, $2,600)

J. S. Berkowitz Heads Forum Film Firm

HOLLYWOOD, July 30. — J. Samuel Berkowitz has resigned as vice-president and executive manager of Fine Arts Pictures, which has been inactive in production for the past several months, in order to become president and general manager of production for Forum Films, recently formed to produce pictures for distribution to educational institutions.

Forum plans to produce a minimum of 26 one and two-reel subjects and two features. Other officers of the new company are: Jesse J. Gilbert, vice-president and associate producer; Samuel Nathanson, vice-president and general sales manager; Louis Rutstein, treasurer and chairman of the board, and John Fisher, secretary and comptroller.

Feature Review

"Daybreak"

(Sigma-Paul Graetz)

As produced in France by Sigma Productions, "Daybreak" is a splendid study of a man who in fit of rage kills another, the latter being a diabolical creature whose lascivious tactics almost justified the killing. Police surround a tenement house in which the act was committed, and as the murderer lies in wait, the events which led up to the crime are presented retrospectively. English titles, simple and direct, make the picture comprehensible for audiences here.

In skillful direction of the Jacques Viot scenario, Marcel Carne maintains a tense atmosphere throughout the greater part.

Jean Gabin as the central character, a role that might easily have been overplayed, gives a performance of high caliber. Good, too, is the characterization of Jules Berry as the dog trainer who interferes with the happiness of Gabin and who eventually meets death by a bullet. Jacqueline Laurent as the youthful "Francoise," with whom Gabin is in love, and Arletty as the former partner of Berry and friend of Gabin, give convincing performances.

The picture will doubtless find high favor with patrons seeking serious entertainment. It is particularly suited for the so-called "art" theatres. The somewhat sordid nature of the plot, however, makes the film unsuitable for children.

Running time, 88 minutes. "A."*

**"A" denotes adult audience classification.*

'Moon' at $8,300 Leads Montreal

MONTREAL, July 30.—"New Moon" at Loew's grabbed the week's honors with a gross of $8,300 and was held over. A close second was "My Love Came Back," on a double bill at the Capitol, with $7,800. Hot weather hurt business generally.

Estimated takings for the week ending July 26:

"My Love Came Back" (W. B.)
"Flight Angels" (W. B.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $7,800. (Average, $8,000)
"New Moon" (M-G-M)
LOEW'S—(2,800) (30c-50c-60c) 7 days. Gross: $8,300. (Average, $8,000). Held over.
"Hitler, the Beast of Berlin" (G. N.)
"The Honeymoon's Over" (Indep.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $4,000. (Average, $5,000). Held over.
"Beau Geste" (Para.)
PALACE—(2,600) (25c-40c-55c-65c) 7 days, 2nd week. Gross: $4,000. (Average, $9,000).
"The Man Who Talked Too Much" (W. B.
"Laconga Nights" (Univ.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Added: Armstrong vs. Jenkins fight film. Gross: $2,200. (Average, $5,000).

Drive-In Theatre to Open in Pittsburgh

PITTSBURGH, July 30.—The city's first drive-in theatre will be opened at South Park, Aug. 10, with space for 400 cars.

With Norbert Stern, head of Universal Discount Co., backing the venture, it will present two shows nightly on a 30-foot square screen.

Harris Amusement Co. and other local exhibitor interests have investigated the possibilities of drive-in theatres here in the past but have deferred action.

Heat Helps Omaha; 'New Moon' $7,200

OMAHA, July 30.—"New Moon" pulled $7,200 at the Omaha for the week's best. "Lost Horizon" and "Awful Truth" were revived by the Brandeis for a snappy $5,100. Extreme hot weather helped business some.

Estimated takings for the week ending July 24-25:

"Lost Horizon" (Col.)
"Awful Truth" (Col.)
BRANDEIS—(1,200) (30c-40c-44c) 7 days. Gross: $5,100. (Average, $4,000)
"New Moon" (M-G-M)
"Queen of the Mob" (Para.)
OMAHA—(2,000) (30c-44c) 7 days. Gross: $7,200. (Average, $6,000)

Legion Approves 7 of 11 New Pictures

Of 11 pictures reviewed by the National Legion of Decency during the past week, one, an independent production, was placed on the condemned list; three were found objectionable in part and seven were approved either for adult or general audiences.

The films classified are: Unobjecionable for general patronage: "Fugitive from Justice"; "Gun Code"; "Military Academy"; "Sea Hawk". Unobjectionable for adults: "Girls of the Road"; "The Man I Married"; "Gold Rush Maisie". Objectionable in part: "A Date With Destiny"; "They Drive by Night"; "South of Pago Pago". Condemned: "Reefer Madness" (Tell Your Children), (G & H Production-George Hirliman).

Plan William Morris Park Dedication

Saranac Lake, N. Y., July 30.—The village of Saranac Lake will formally dedicate the William Morris Memorial Park on Aug. 27, when a theatrical performance similar to the shows presented by William Morris during his lifetime will be given at the local Pontiac Theatre. Abe Lastfogel, executive of the William Morris office, will fly from Hollywood for the performance.

The Park is the property formerly used as the Saranac Day Nursery, one of the many organizations which were aided by the late showman.

Revivals, Circus Top in Seattle As Grosses Lag

SEATTLE, July 30.—Polack Brothers' Circus on the stage of the Palomar theatre this week took top honors for the town, with a gross of $7,300, or $2,300 over normal. The Liberty's return dual of "Lost Horizon" and "The Awful Truth" garnered $6,000 to take second position. Other grosses were off. Weather was fair but cooler.

Estimated takings for the week ending July 26:

"You're Not So Tough" (Univ.)
"Anne of Windy Poplars" (RKO)
BLUE MOUSE—(950) (30c-40c-50c) 7 days, 2nd week. Gross: $2,850. (Average, $4,000)
"Maryland" (20th-Fox)
"Cross Country Romance" (RKO)
FIFTH AVENUE—(2,500) (30c-40c-50c-65c) 7 days. Gross: $5,800. (Average, $7,000)
"Lost Horizon" (Col.)
"The Awful Truth" (Col.)
LIBERTY—(1,800) (30c-40c-50c-65c) 7 days. Gross: $6,000. (Average, 5,000)
"New Moon" (M-G-M)
MUSIC BOX—(950) (30c-40c-50c-65c) 7 days, 2nd week. Gross: $3,200. (Average, $4,000)
"Private Affairs" (M-G-M)
"The Captain Is a Lady" (M-G-M)
ORPHEUM—(2,450) (30c-40c-50c) 7 days. Gross: $4,900. (Average, $6,000)
"Grand Ole Opry" (Repub.)
PALOMAR—(1,500) (25c-30c-40c-50c) 7 days. Polack Bros. Circus on stage. Gross: $7,300. (Average, $5,000)
"Andy Hardy Meets Debutante" (M-G-M)
"Phantom Raiders" (M-G-M)
PARAMOUNT—(3,050) (30c-40c-50c) 7 days, 2nd week. Gross: $5,200. (Average, $6,000)

Educational Stock Off Chicago Board

WASHINGTON, July 30.—The Securities and Exchange Commission today ordered withdrawn effective at the close of business Aug. 5 the registration of Educational Pictures common and preferred stock on the Chicago Board of Trade.

The proceeding was initiated by the Commission last March 22 on the charge that the company had failed to file an annual report, as required by the Securities Exchange Act. A hearing was called at which no one appeared, the president of the company having testified that its failure to file the report was due to lack of funds for an independent audit. The company had filed a petition in bankruptcy in January.

Investigation by the S.E.C. disclosed that the company registered its stock on the Chicago Board of Trade in 1937. The preferred stock apparently was never issued and the common stock is held by a very small number of persons. There has never been a transaction in the stock on the Chicago board.

Dismissal Refused In Patent Litigation

Federal Judge John W. Clancy has denied the application of Albert A. Radtke, Radtke Patents Corp., Leonard Day and Warner Bros. Pictures, Inc., for a dismissal of the suit of Photometric Production Corp. on the grounds that the plaintiff had failed to state a cause of action.

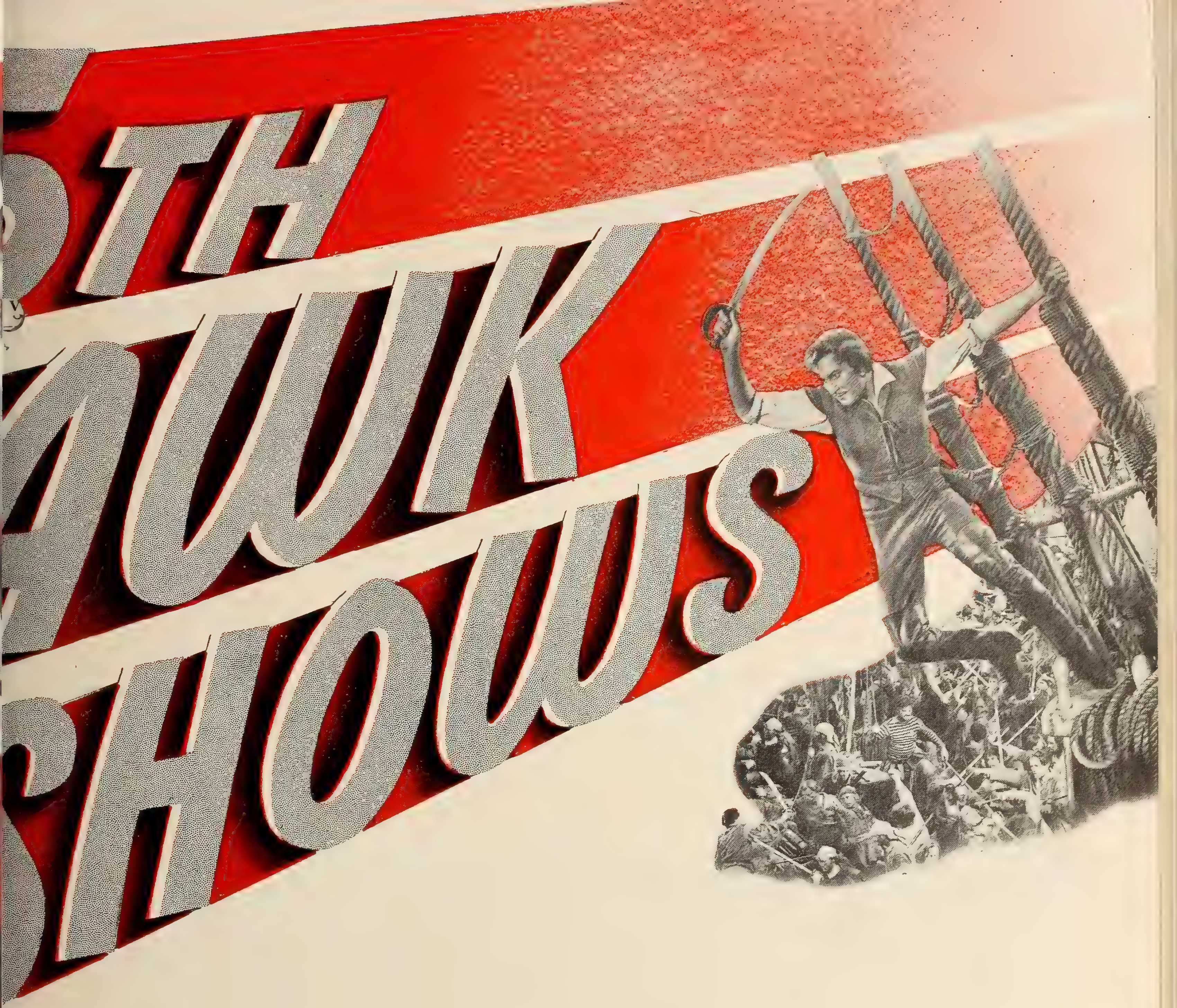
The suit charges that Radtke, while in the employ of the American Development and Operation Co., which assigned its claim to Photometric, developed a patent described as "methods and means of optically recording sound."

AUG.

SEAH

TRADE

ERROL FLYNN
in
'THE SEA HAWK'
with
BRENDA MARSHALL
CLAUDE RAINS
Donald Crisp • Flora Robson • Alan Hale
Directed by MICHAEL CURTIZ
Screen Play by Howard Koch and Seton I. Miller
Music by Erich Wolfgang Korngold
A Warner Bros.-First National Picture



Not just to exhibit the strongest attraction yet created, but to exhibit the power of

WARNER BROS.

in the U. S. exhibition market

WASHINGTON: 2 RECORDS BROKEN!

Despite four-year record breaking 101-degree heat, "The Ramparts We Watch" has just broken all first five-day records since "Snow White." Picture creating terrific word-of-mouth buildup. ***RKO Keith's, Washington, D. C.***

HOLLYWOOD: REVIEWERS GO OVERBOARD!

"Picture of the week: 'The Ramparts We Watch' . . . By all means make certain to see it when it plays at your favorite theatre."

Sidney Skolsky

" 'The Ramparts We Watch' should reach far beyond any normal assemblage that may gather to view screen entertainment . . . vigorous presentation . . . terse narration, sternly dramatic . . . may be the 'Uncle Tom's Cabin' of the present."

Edwin Schallert, Los Angeles Times

" 'The Ramparts We Watch' is at all times excellent . . . direction and production on a par with the best that Hollywood could offer."

Hollywood Reporter

" 'The Ramparts We Watch' is a message addressed with zealous emphasis . . . it is also entertaining in a grim, fascinating appeal to the emotions."

Variety, Hollywood

"A thrill that comes once in a lifetime is waiting for you. Don't miss it when it hits your local movie house."

Stella Unger

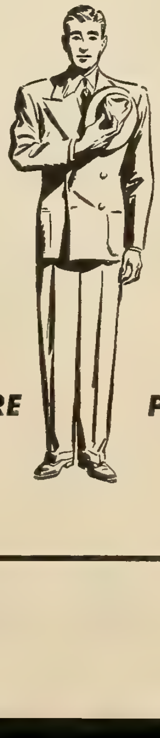
NEW YORK: EXPERTS TOSS HATS!

" 'The Ramparts We Watch' is an exploitation property de luxe . . . will grab grosses galore . . . exciting, revealing . . . a must see attraction for all audiences, a must book picture for all outlets."

Film Daily

"One of the best feats of editing any production has ever received . . . 'The Ramparts We Watch' will hold undivided attention of any audience . . . exhibitors will find a waiting audience when they announce the playdate."

Showman's Trade Review

"THE *Ramparts*  *We Watch*"

A NEW KIND OF MOVIE...FIRST FEATURE PICTURE PRODUCED BY THE MARCH OF TIME

Thad Brown Quiz Will Resume Today

WASHINGTON, July 30.—Col. Thad H. Brown, former Federal Communications Commission member, whose nomination for another term has been opposed by Sen. Charles W. Tobey, will appear again before the Senate Interstate Commerce tomorrow. The committee chairman, Senator Burton K. Wheeler, tonight said he hoped that the session would be the last.

It is expected the committee again will go into the FCC monopoly committee report on network broadcasting, which has been sharply attacked by both members of the Senate group and CBS, as well as other organizations whose activities were investigated.

IRNA Meets Aug. 5

PHILADELPHIA, July 30.—A meeting of the Independent Radio Network Affiliates has been set for Aug. 5 here simultaneously with the N.A.B. convention in San Francisco. Samuel R. Rosenbaum, president of the organization and head of WFIL here, called the meeting. Subjects to be discussed include the FCC monopoly report, the Ascap situation, and union relations.

Rochester Festival Off

ROCHESTER, July 30.—Interrupted a week ago when actors demanded a share of the gate receipts, the Rochester Drama Festival has closed for the year. It will be launched again next summer, according to present plans.

Off the Antenna

FIRST program based on the compulsory draft bill will go on the air tomorrow over WNEW in a new series called "Symposium on Conscription." Details of the proposed law will be explained. Questions from listeners will be submitted one hour in advance of the program to Senator Burke, one of the bill's sponsors, by long distance telephone and then will be given over the station. WNEW will not attempt to interpret the measure. The series will be heard Thursdays at 7:30 P. M.

• • •

Purely Personal: *Fulton Lewis, Jr., Mutual Washington correspondent, has 26 speaking engagements scheduled for the Fall. . . . Hubert R. Doering has joined Compton Advertising. . . . Bob Carter, WMCA announcer and sports commentator, was married yesterday to Agnes Hermansen at the Chelsea Church.*

• • •

Advertisers in New York newspapers who now have the advantage of free summaries of their copy in *PM* will get free time over the air in a new program, "Good News in Advertising," over WMCA, Mondays through Fridays at 6 P. M., starting tomorrow. The series, which will be sponsored by Farnsworth Radio & Television Corp., will give full credit to the advertisers and the newspapers in which the advertisements appear.

• • •

Program News: *Brown & Williamson Tobacco Corp. has renewed "Show Boat" for one year over 53 NBC-Red stations, effective Aug. 5. The program will be heard Mondays at 5:30 P. M., and a new show, "Renfro Valley Folks," will be heard at the same time over a 15-station Southern Red Network hookup. . . . Campana Sales Co. will return to CBS on Tuesday, Sept. 3 at 8:30 P. M. with the "First Nighter" series over 53 stations.*

• • •

Rate Increases: WSB, Atlanta, will increase its network rate for an evening hour from $360 to $400, effective Sept. 1, William S. Hedges, NBC vice-president in charge of stations, announced yesterday. Cut-in announcement charges will be $33 nights, $17 days, and $25 Sunday afternoons. Hedges also announced that the cut-in rate for KGHL, Billings, Mont., had also been increased to $10 nights, $5 days, and $7 Sunday afternoons.

Ed Seeley on Coast

LOS ANGELES, July 30.—Ed Seeley of Altec's engineering department is here for conferences with committtes of M. P. Arts & Sciences.

N. S. Exhibitor Dies

HALIFAX, N. S., July 30.—Charles E. Taylor, 64, for 29 years a traveling exhibitor, is dead at his home at Great Village, N. S.

NAB Expects 1,000 Members At Convention

SAN FRANCISCO, July 30.—About 1,000 members are expected at the National Association of Broadcasters' annual convention which gets under way here Monday.

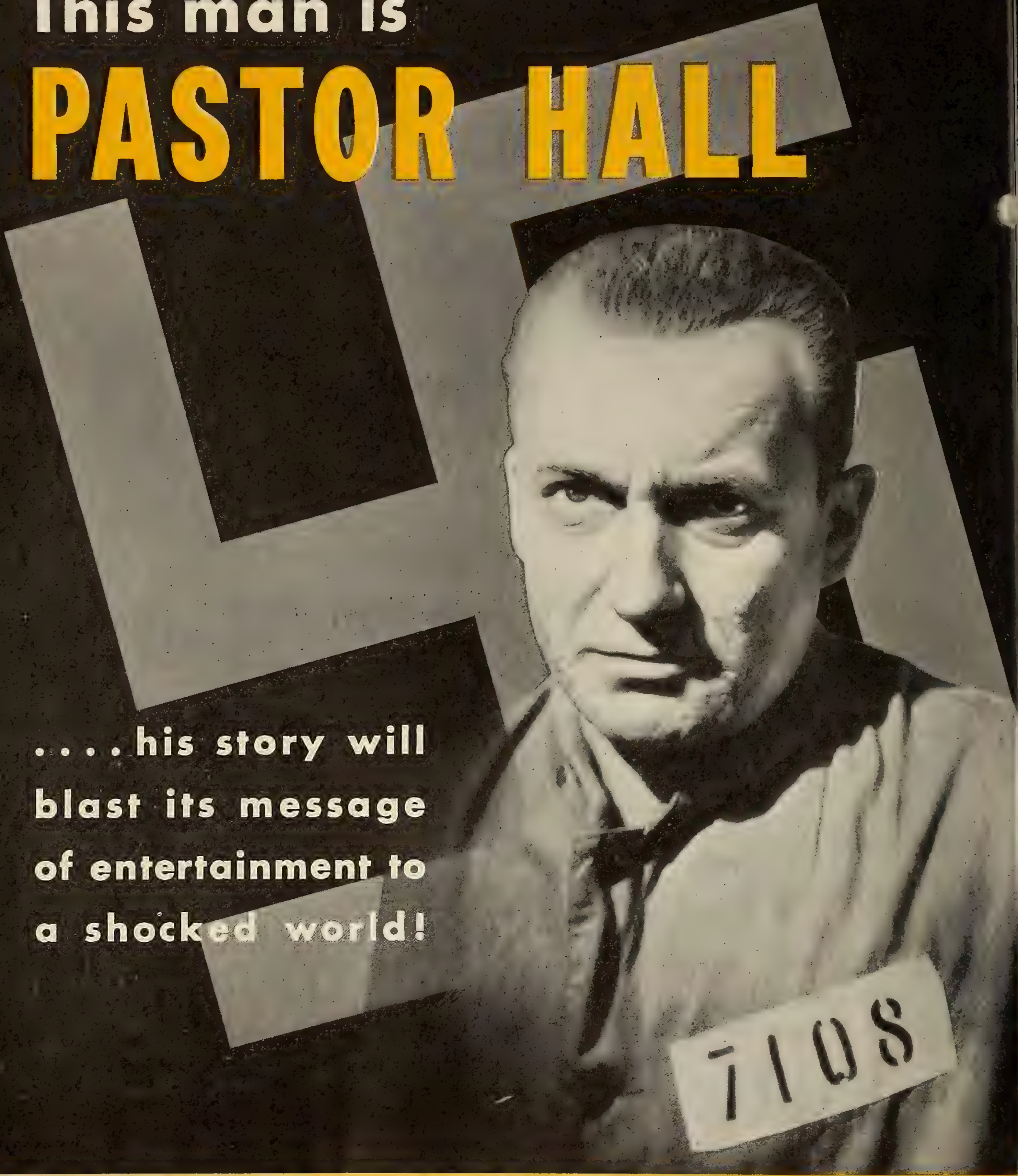
War conditions and their consequences to the radio industry are expected to dominate the discussions. Methods of cooperating with the Government in its defense program and the role of radio in the event of war will come up for consideration.

Other pressing matters include the Ascap contract which expires Dec. 31, the formation of Broadcast Music, Inc., new contracts for network affiliates and the NAB code.

Niles Trammell, newly elected NBC president, will head the NBC delegation to the convention. Others scheduled to attend are Frank R. Mullen, who is scheduled to be named NBC executive vice-president; William S. Hedges, vice-president in charge of the stations department; Sheldon B. Hickox, John H. Norton, Jr., stations department; Robert Myers, legal department; Charles Horn, development and research department; C. Lloyd Egner, radio recording division; Edgar Kobak, vice-president in charge of Blue sales; Frank Russell, vice-president in charge of the Washington office; Sidney Strotz, vice-president in charge of the Central division; and H. M. Beville, Jr., research division.

SCATTERBRAIN
A SCREAMINGLY FUNNY JAMBOREE OF GAIETY AND MUSIC
WHAT HAVE THOSE STARS GOT THAT I AIN'T GOT?
JUDY CANOVA "The Jenny Lind of the Ozarks"
ALAN MOWBRAY • RUTH DONNELLY • EDDIE FOY, JR. • JOSEPH CAWTHORN
WALLACE FORD • ISABEL JEWELL • LUIS ALBERNI • BILLY GILBERT
EMMETT LYNN • JIMMY STARR • CAL SHRUM'S GANG
MATTY MALNECK AND HIS ORCHESTRA
Gus Meins-Director
A Republic PICTURE

This man is
PASTOR HALL



. . . . his story will blast its message of entertainment to a shocked world!

"Filled with dynamite. So stirring, powerful and daring it left the preview audience limp!"— *Louella Parsons* "Most powerful film I have ever seen!" — *Thornton Delehanty, New York Herald-Tribune.* "I can't remember when I have been so stirred!" — *Sheilah Graham, North American Newspaper Alliance.* "Wilfrid Lawson definitely in line for the Academy Award!"—*Jay Emanuel Publications.*

James Roosevelt presents **"PASTOR HALL,"** *released thru United Artists.*

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 23 NEW YORK, U.S.A., THURSDAY, AUGUST 1, 1940 TEN CENTS

Para. 6-Month Net Estimated At $3,100,000

Compares With $2,130,000 For Same 1939 Period

Paramount's net profit for the first half of 1940, ended June 30, last, is estimated in financial circles at $3,100,000, including the company's interest in undistributed earnings of non-consolidated subsidiaries.

The estimate compares with net profit on the same basis of $2,130,000 for the corresponding period last year. The company's estimated profit for the second quarter of 1940 is $1,500,000, which compares with profit of $830,000 for the corresponding 1939 quarter.

The company's official report is scheduled to be made public following a meeting of the Paramount board of directors today.

Coast Flashes

HOLLYWOOD, July 31.—For the first time since the outbreak of the European war, 20th Century-Fox definitely disclosed today that its British production plans have been stymied. Robert Kane, who was in charge of British production, has been given an associate producer berth at the studio here. His first film will be "A Very Young Lady," starring Jane Withers.

•

As Motion Picture Daily indicated exclusively last Friday, 20th Century-Fox today signed Paul Muni, former Warner player, to star in "Hudson's Bay Company." The contract is for one film with options. He will appear opposite Gene Tierney and Virginia Field.

•

Raymond Griffith, associate producer at 20th Century-Fox since 1935, resigned today. He will leave Aug. 15 on an extended vacation in the East.

•

. Anna Sten today filed suit in Superior Court against Republic for $4,500, charging a breach of an oral contract under which she was to make a film, getting $1,500 weekly for three weeks.

•

A Bruce Hunt, N.L.R.B. trial examiner, tonight after a one-day hearing took under advisement a plea for a consent election among scenic artists.

Kirsch Asks RKO To Limit Triples

Chicago, July 31. — Jack Kirsch, president of Illinois Allied, in a telegram today to Ned E. Depinet, RKO vice-president in charge of distribution, asked an expression concerning contractual limitation of multiple bills.

Pointing out that Paragraph 19 of this year's and new season contracts requires the single featuring of not more than five films each season, Kirsch asks, "If this is legal on five, why not on the entire product?"

PARA. PARTNERS TO MEET ON PACT

Session on Consent Decree Changes May Be Held Here Next Week; Each Company's Board Will Vote on Acceptance

Paramount's theatre partners are considering a second meeting in New York next week to discuss the terms of the consent decree proposed in settlement of the Government's New York anti-trust suit. R. B. Wilby, principal spokesman for the partners, is expected here by home office officials in the next few days to prepare for the session. Whatever alterations are made in the tentative proposals will be discussed at this meeting. Government spokesmen yesterday asserted that a new draft is being rapidly shaped up.

That Paramount's partners, as a group, are not the only affiliated theatre executives to voice objections to the proposed decree was learned yesterday. Warner Bros. theatre executives are said to look upon the tentative proposals much as do the Paramount partners.

Joseph H. Hazen of Warners' legal staff arrived on the Coast yesterday with Joseph Bernhard, in charge of Warners theatres. They are discussing the proposed decree with Harry M. Warner, company president. Hazen will leave for New York at the end of the week.

Before any of the companies accept the decree, spokesmen assert, it must first go to their respective directorates for approval. Each of the board of directors of the Big 5 will thus have the opportunity to act in the matter.

The decree, itself, of course, will not go into effect, after acceptance, for a year, in order that the companies may have time to adjust themselves to its provisions.

Government spokesmen yesterday talked about a "fair trial period" additionally in which the decree might be proved successful. In that event it is the purpose of the Government to invite Columbia, Universal and United Artists to accept the decree voluntarily, as would Republic, Mono-

(Continued on page 7)

Television Industry Acts To Establish Standards

The big drive to establish television as a commercial medium by industry agreement on transmission standards got under way at the Hotel Roosevelt yesterday with the organizational meeting of the National Television Systems Committee. For the first time, every interest in the infant industry was represented in a joint effort to iron out differences which have blocked FCC approval to full commercialization.

FCC Chairman James L. Fly who was present to welcome the delegates, although he did not participate in the deliberations, called the meeting "a grand gesture" and asserted that the commission was ready to give the "go ahead" signal to television as soon as industry interests could agree on what was best. He urged those present, while protecting their own patent interests, to work out an agreement which would be of mutual aid to all.

Fly reiterated that stations desiring licenses would have to cooperate in research and added "the more stations, the merrier." After the meeting, many members asserted that an agreement within two months was not unlikely. In a brief address, Fly urged consideration not only of present standards but also to consider future developments such as color television.

Calling television the "heir apparent to movies and radio," J. S. Knowlson, president of the Radio Manufacturers Association, opened the meeting. W. R. G. Baker, chairman of the committee, also spoke briefly.

Nine subcommittees were set up to consider the various problems which have previously prevented the setting of standards. These subcommittees and

(Continued on page 7)

That Ol' Debbil Weather

With some of the Broadway first-runs playing the closing days of the run, grosses yesterday were even below those of Tuesday, managers reported. That Ol' Debbil Weather is, of course, responsible, as he has been for about two weeks.

Some sections of the country reported cooler weather, but with no great help to theatre business. The Weather Bureau announced somewhat wearily last night that nothing is in sight that may be construed as relief for lagging box offices. The temperature dropped somewhat yesterday, but the forecast is for warmer today.

Upstate, however, especially in Buffalo, favorable business reactions were noted as the mercury went down to 65 degrees.

Price Reductions By duPont and Agfa

DuPont Film Mfg. Co. and Agfa Raw Film Corp. yesterday made price reductions on both negative and positive film matching those established by Eastman Kodak Co. this week.

The new prices, the same as Eastman's, represent a 12½ per cent reduction on negative stock, from four cents to three and one-half cents per foot, and a 15 per cent reduction on positive stock from one cent to .85 cent per foot.

Veidt Sues Bank

Suit for $52,998 was filed yesterday in the N. Y. Supreme Court by Conrad Veidt, actor, against Bankierskantoor Albert Grief, N. V., a Dutch bank. He charges the bank with refusing to return bonds and gold bars he deposited with it in 1939.

Metro Sets 11 Test Bookings on 'Town'

M-G-M has set 11 test engagements for "Boom Town" to start Aug. 8 and 9, as follows: Aug. 8: Apollo, Atlantic City; Orpheum, Tulsa; State and Chinese, Los Angeles, day-and-date; Loew's, Harrisburg; Loew's, Reading; Mayfair, Asbury Park.

Aug. 9: State, New Orleans; Palace, Indianapolis; Capitol, Cincinnati; Palace, Lake Placid, and Rialto, Glens Falls, where the regular showing will be preceded by a midnight premiere on Aug. 8.

Wm. Robson Dies In Toronto at 72

TORONTO, July 31.—William James Robson, 72, one of the first film men in Canada, is dead here. He was a brother of Clarence M. Robson, an original executive of Famous Players Canadian. He was for years a concert manager, later becoming manager of the Royal Alexandra Theatre here. Another brother, Frank, manager of the Orpheum, Ft. William, died a short time ago.

Goldenson, Netter Meet with Schlanger

Leonard Goldenson and Leon Netter, Paramount home office theatre executives, will go to Philadelphiha today for conferences with Ted Schlanger, Warner zone manager there, on operations of Paramount theatres pooled with Warners in that territory.

Goldenson and Sam Dembow will leave for Minneapolis over the weekend to confer with Minnesota Amusement Co. officials on operating affairs of that company. They will be gone one week.

Fromberg Appeals Educational Ruling

Harry G. Fromberg, trustee in bankruptcy of Grand National Pictures, yesterday filed notice of appeal in the U. S. District Court from an order of Federal Judge Edward A. Conger which dismissed Fromberg's petition to set aside the appointment of James A. Davidson as trustee of Educational Pictures. Fromberg sought to obtain his own election as trustee and claimed that Davidson, as a former officer of Educational, was disqualified.

RKO Defers Dividend

The second dividend of $1.50 per share on the RKO six per cent cumulative convertible preferred stock, payable today, was not acted upon by the company's board of directors. Dividends accumulated and unpaid on the stock now amount to $3 per share, or approximately $384,000 on the shares outstanding.

Personal Mention

J. C. CLEMMONS will arrive from Beaumont, Tex., tomorrow for Paramount home office conferences. He will join JULIUS GORDON, who has been in New York for the past week.

•

R. B. WILBY and FRED KENT, attorney for the Wilby-Kincey Circuit, are expected here tomorrow from Charlotte.

•

LYNN FARNOL, United Artists advertising and publicity director, will leave for the Coast by plane Sunday night to confer with CHARLES CHAPLIN and MAURICE SILVERSTONE on the campaign for "The Great Dictator."

•

W. G. VAN SCHMUS, managing director of the Music Hall, is showing good improvement at St. Luke's Hospital.

•

EMERY HUSE, West Coast manager of the Eastman Kodak film department, is visiting here.

•

LOUIS D. FROHLICH of the Schwartz & Frohlich law firm will return this weekend from Chicago.

•

RICK RICKETSON is here from Denver for conferences with National Theatres executives.

•

W. E. BANFORD, M-G-M branch manager in Chicago, has announced the engagement of his daughter, DOROTHY, to WAYNE C. BROWN.

•

ANNABELLA (MRS. TYRONE POWER), who recently underwent an operation at Mt. Sinai Hospital, expects to leave the hospital Saturday. She will convalesce here before returning to Hollywood.

•

LOWELL KAPLAN, booker for Wellworth Amusement Enterprises, has returned to Minneapolis after a fishing trip in Northern Minnesota.

•

WALTER SELDEN of the Hollywood Bureau of Quigley Publications, and MRS. SELDEN have returned to Los Angeles from a Hawaii honeymoon.

•

WALTER BRANSON, RKO Midwestern district manager, has returned to Chicago after home office conferences.

•

DAN HALPIN of RCA leaves for Hollywood on the Stratoliner Saturday for several weeks.

•

WALTER KANE has returned to Hollywood.

•

WILLIAM RODGERS, FRANK C. WALKER, COLVIN BROWN, JACK KELLY, SAM SHAIN, CARL LESERMAN, ED SCHNITZER, JOHN O'CONNOR, FRED MEYERS, MAX FELLERMAN, LOU CLAYTON, CLAYTON BOND, JULES LEVEY, E. C. GRAINGER, at Dinty Moore's yesterday for lunch.

•

RALPH SNIDER, treasurer of Associated Theatres, Providence, is here arranging stage shows for the Metropolitan's Fall opening.

•

HARRY BRANDT, LESTER SANTLEY, JOSEPH PINCUS and J. J. MILSTEIN at Lindy's (51st St.) yesterday for lunch.

•

WALTER READE, FRED LANGE, MAX DREYFUS, TED O'SHEA, RALPH AUSTRIAN, SIDNEY PHILLIPS and WALTER READE, JR. at Nick's Hunting Room in the Astor for lunch yesterday.

•

RICHARD BRADY, ALLAN JONES, IRENE HERVEY, CHARLES BONN, CHARLES PAINE, FRED MCCONNELL, MAURICE BERGMAN, ARTHUR LEE, WILLIAM GERMAN, ABE MONTAGUE and JACK MILLS at the Tavern yesterday for lunch.

•

SOL EDWARDS, RUBE JACKTER and SEYMOUR POE lunching at Lindy's (next to the Rivoli) yesterday.

•

DAN MICHALOVE, HARRY H. BUXBAUM, JOSEPH LEE, BEN BOYAR, BEN WASHER, JOHN D. HERTZ, JR., and EDDIE DOWLING lunching at Sardi's yesterday.

•

FRANCES SIMON, film editor of *Pic* magazine, will leave for the coast tomorrow.

Sears Makes Trailer

Gradwell L. Sears, Warners general sales manager, will address exhibitors attending the company's trade showings of "The Sea Hawk" in its 37 exchange centers in the United States and Canada on Monday by means of a special trailer.

Chatkin to Columbia

Dave Chatkin, former Paramount and Monarch Theatres executive, has been named assistant to Harry Cohn and Sam Briskin at the Columbia studio in Hollywood.

McCarthy Leaves for Studio Conference

Charles E. McCarthy, advertising and publicity director for 20th Century-Fox, left for the Coast last night to confer with Darryl F. Zanuck on the campaign for "Brigham Young" and on plans for the picture's world premiere. He is accompanied by Rodney Bush, publicity manager.

Indications are that the picture's premiere will be held in Salt Lake City around the middle of August.

Politics—or Bad Photography?

Mexico City, July 31.—Without giving reasons, the local censors pruned from newsreels of the presidential elections July 7 all scenes that showed any aspect of Gen. Juan Andreu Almazan who claims that he won the election. The government's candidate, Gen. Manuel Avila Camacho, asserts that it was he who was the winner.

Almazan has gone to the United States for a vacation.

A local newspaper film critic, commenting upon this censoring, remarked:

"Perhaps the honorable censors deemed that scenes of Gen. Almazan were badly photographed."

Republic Meeting Starts Here Today

Republic will hold its third regional sales meeting of the year at the home office today. Regional meetings will also be held at the Drake Hotel, Chicago, Aug. 8; Peabody Hotel, Memphis, Aug. 15; and in the studios on the Coast at a date not set yet.

Discussions today will center around product for the next three months. J. R. Grainger, president, will preside. Attending from the home office w[illegible] G. C. Schaefer, vice-president; Si Borus, acting contract manager; John O'Connell; David B. Whalen, advertising and publicity director; and Charles Jones, advertising production manager.

Branch managers who will attend include Sam Seplowin, Detroit; Arthur Newman, Albany; Jack Bellman, Buffalo; M. E. Morey, Boston; Sam Seletsky, New Haven; Morris Epstein, New York; Max Gillis, Philadelphia; George Kirby, Cincinnati; and Sam Gorrell, Cleveland. Franchise managers include Sam Flax, Washington; and Nat Lefton, Ohio.

Wanger Will Probe Film Taste in Field

HOLLYWOOD, July 31.—Walter Wanger will leave for New York next Tuesday on a tour of key cities in the interests of his forthcoming "Foreign Correspondent" and "Long Voyage Home" and to obtain a sampling of film tastes in the field.

Wanger will address exhibitor groups, Variety Clubs, Rotary Clubs and other organizations on such topics as the state of the industry, the public's attitude toward films and the type of films desired. His itinerary includes Washington, Boston, Toronto, Cincinnati, Chicago, Boston, Pittsburgh, St. Louis, New Orleans and Dallas.

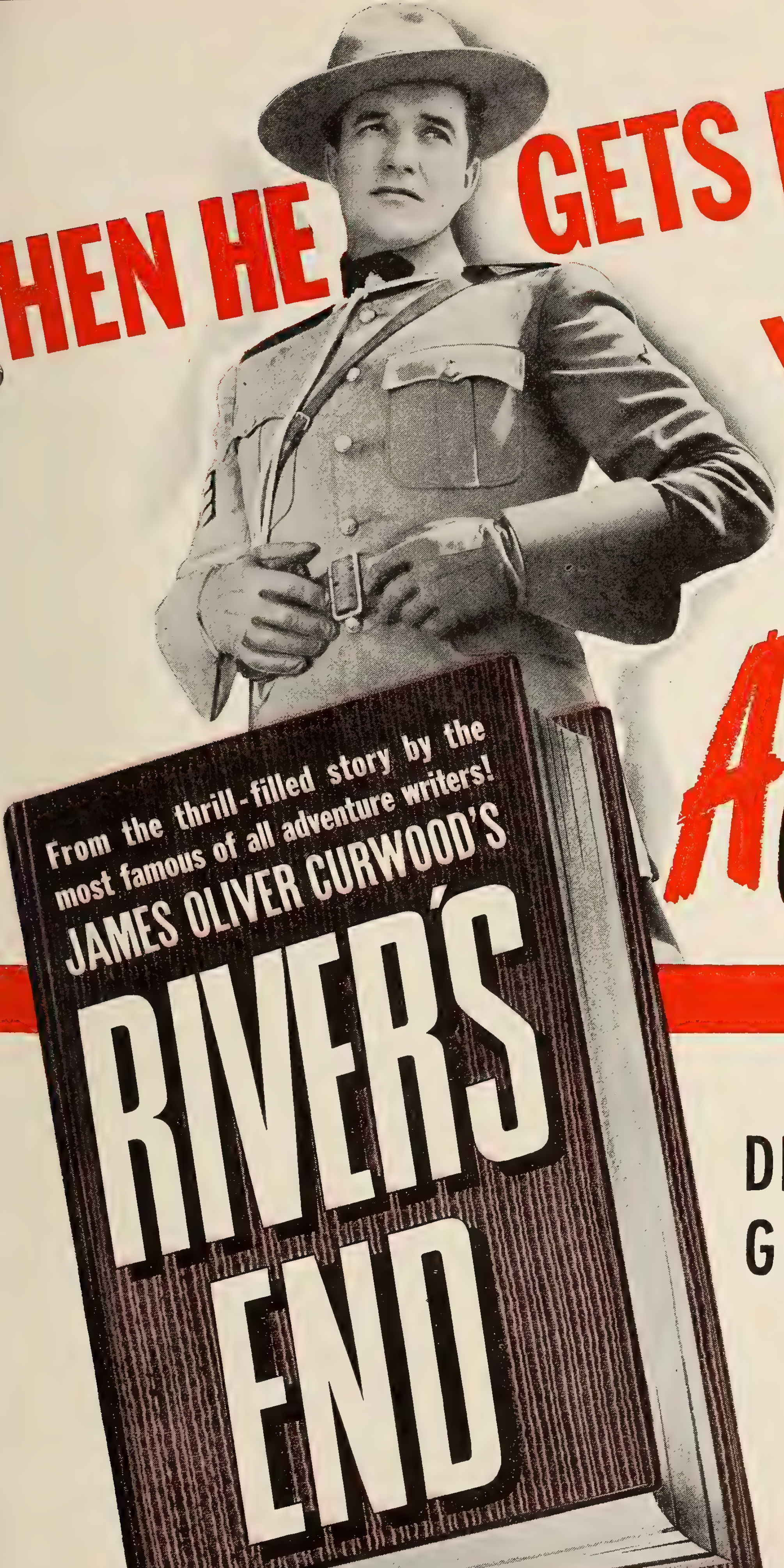
John LeRoy Johnston, Wanger publicty manager, left for New York by plane today and will precede Wanger over the route.

Signs with Accessories

Sales and distribution of accessories and press books for Film Alliance of the United States will be handled by National Screen's Advertising Accessories, Inc., under a deal closed yesterday by Charles Casanave of Advertising Accessories and Nat Wachsberger of Film Alliance.

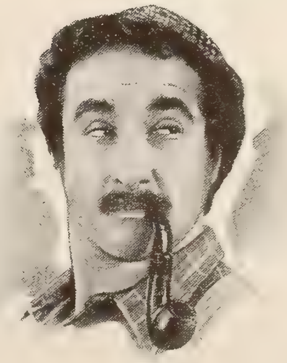
MOTION PICTURE DAILY
(Registered U. S. Patent Office)
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square. London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938. at the post office at New York. N. Y., under the act of March 3. 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

HEN HE GETS HIS MAN YOU GET ACTION!


From the thrill-filled story by the most famous of all adventure writers!
JAMES OLIVER CURWOOD'S
RIVER'S END

Watch these two –
they're going places!

DENNIS MORGAN
and
GEORGE TOBIAS
(The hot stuff of 'Torrid Zone')



with
James Stephenson • Elizabeth Earl • Victor Jory
Directed by ***RAY ENRIGHT***
Screen Play by Barry Trivers and Bertram Millhauser
A Warner Bros.-First National Picture

WARNER BROS. *Producers*

British Trade Aids Government Drive

LONDON, July 31. — Arrangements have been made under which the film industry is giving maximum cooperation to the Ministry of Information.

The Films Division of the Ministry for the present is concentrating chiefly on the production of five-minute shorts covering food rationing, home defense, air raid precautions and subjects of like importance to the successful prosecution of the war.

The Cinematograph Exhibitors Association has offered to show such films free of charge and the production groups are now actively engaged.

The principal circuits have promised that all official productions will be included in the programs of the theatres under their control. Independents have also indicated their readiness to cooperate.

Producers and directors including Michael Balcon, Adrian Brunel, Ian Dalrymple, Thorold Dickinson, R. I. Grierson, Brian Desmond Hurst, Richard Norton and Basil Wright have put their services and studios at the disposal of the Ministry.

Philadelphia AGVA Officers Quit Posts

PHILADELPHIA, July 31. — John Leary, president of the local American-Guild of Variety Artists union, and Jack Herbert, a vice-president, have resigned, effective immediately, because of internal differences with other members of the union's administration.

William Mayo, first vice-president, becomes president; Charles Arthur becomes first vice-president; Joseph Burns, second vice-president, and Lee Travers, third vice-president.

An election to fill the two vice-president vacancies resulting will be held this week.

New Canadian Short Describes Defense

OTTAWA, July 31.—The war organization of Britain and Canada is the substance of "The Front of Steel," fourth in a series of shorts produced by the National Film Board, in cooperation with the Director of Public Information, according to J. A. MacKinnon, chairman of the Film Board.

Released to Canadian theatres Friday, "The Front of Steel" describes the full implications of modern war, and what Canada is doing to meet the challenge.

Malvern to Make Seven

HOLLYWOOD, July 31.—Paul Malvern yesterday was assigned to produce seven features on Monogram's new season schedule. The pictures, which will be made at the Ralph Like Studio, are two Jack London stories, four Keye Luke mysteries and a special.

In Canadian Benefits

Anna Neagle and Gracie Fields, English actresses now in Hollywood, will appear in Canadian cities with volunteer local players, planning about 40 concerts for the benefit of the Canadian Navy League and British Red Cross. They will leave Hollywood Saturday for the tour.

Readers' Say-So

Urges Consent Decree

EDITOR MOTION PICTURE DAILY:

I should like to express my opinion in regard to the various points now under discussion relative to the proposed consent decree in the now famous motion picture monopoly case.

First, I believe that a consent decree of some sort should be worked out rather than to have the dirty linen of our Industry exposed to the public.

Rather than a unit system of selling, I would rather see a 25 per cent cancellation privilege granted the exhibitor, but no specificaiton as to a classification from which these pictures could be cancelled. I believe in arbitration, provided that neither party our industry exposed to the public.

A point which I have not seen discussed in the trade journals is preferred playing time. I contend that any sensible exhibitor will voluntarily give extended playing time to any picture which warrants such treatment; but that the exhibitor should not be forced by contract to play any picture on preferred time against his better judgment.

I believe that overbuying should be abolished and strictly enforced. This is one evil of the industry that has brought about most of the litigation in the past five years.

There would never have been any Government investigation or litigation had the problems been discussed by the leaders of the industry with an open mind.

H. D. MCBRIDE,
President, Howard Theatre Co.,
Spokane, Wash.

Favors National Advertising

EDITOR, MOTION PICTURE DAILY:

I am perfectly satisfied that the money which is spent by distributors for cooperative advertising should be spent nationally. The cost, spent in individual towns, is too much and reaches too few people. The exhibitor can still sell the film companies on local cooperative advertising to build a good picture that has had, perhaps, less national advertising than some of the company films. Under such circumstances they will go in with the exhibitor on a 50-50 basis, we've found.

ED DUBINSKY-DURWOOD
Dubinsky Brothers Theatres,
Kansas City.

'Singles Would Help Grosses'

EDITOR, MOTION PICTURE DAILY:

Mr. Goldwyn is right. Business undoubtedly would come back if we could go back to single features. But this return would have to be under certain conditions. It would be necessary for all houses to make the move at the same time and stick to it. Just as importantly, Hollywood would have to begin making the sort of pictures with which Mr. Goldwyn's name has been associated for so long as a producer. This would mean not only fewer pictures, but also longer pictures, pictures with a running time of 100 minutes or better.

I agree that neither the exhibitors nor the public consider double features ideal. Indeed, there is a general preference for single features. But with the present product, you have to give the customers two features in order to get a two and a half hour show. Longer features of better quality, a reasonable supply of acceptable short subjects and unanimity within the trade on a resumption of single feature policy all are essential to the achievement of Mr. Goldwyn's cure for the movie industry's current headache.

EDWARD M. FAY,
Fay's Theatres,
Providence, R. I.

'Singles Impossible Now'

EDITOR, MOTION PICTURE DAILY:

The Goldwyn article is lacking in realism. A return to single features is impossible, as I see it, because double features have been the custom for so long that it would be difficult, probably futile, to attempt to educate them back to singles. Business is bad enough now without making a move that would hurt it further. In our theatres, we observe a definite audience interest in both features.

Another difficulty which I foresee in any return to single features is the inevitable curtailment in production, a circumstance which would enable the largest producer-distributor companies to entrench themselves even more securely than they are now. The exhibitors will be obliged to play more percentage pictures and pay generally higher rentals. This is particularly true if block booking continues.

ABE A. SPITZ,
President, Associated Theatres,
New England Circuit.

Korson to Liquidate Philadelphia Firm

PHILADELPHIA, July 31.—Louis Korson, who has operated the Masterpiece Film Exchange for the past 25 years as president and general manager, started liquidation of his business today.

The independent exchange will be reorganized and will continue to function as the American Film Co. Personnel changes have not been worked out yet nor has Korson disclosed his plans for the future.

Drexler to Opera Post

ALBANY, July 31.—Leo Drexler, assistant contact manager for Warner Circuit zone office, has been appointed dramatic director of the Albany Light Opera group.

Coast Committees Meet

HOLLYWOOD, July 31.—Research Council of the Academy of M. P. Arts and Sciences is holding a series of meetings this week. Meetings were held today by the theatre sound standardization committee, headed by John Hilliard, and the set equipment noise committee, under the chairmanship of Thomas Moulton.

Evens to Lecture

ST. LOUIS, July 31. — Harold W. (Chick) Evens, manager of the Loew's State, and Colvin McPherson, film critic of the *St. Louis Post-Dispatch,* will conduct lectures on the film industry at the Washington University Adult Study Center in the fall. The series will be titled "Movie Parade."

Nazi Films Hurting Market in Greece

Films from Germany are making inroads in the established American domination of playing time at theatres in Greece, according to Thanos Skouras, circuit operator and distributor of Athens, who is in New York. He is a nephew of Spyros, George and Charles Skouras.

The Nazi pictures, which are of a propaganda nature, are rented to [illegible]hibitors without charge or for al[illegible] nothing, said Skouras. He indicated that the war virtually has ended the distribution of French films in the Greek market, formerly a lucrative field for the French industry.

Skouras operates the D. P. Skouras Theatres Corp. with seven theatres in Athens and is the distributor for several American major companies in Greece. He has been here on an annual buying trip.

The 200 film houses in Greece, Skouras said, are suffering from the general uncertainty pervading all Europe, especially in view of the Balkan unrest and the possibilities of what nearby Italy may do.

Concerning film shipments from here to Greece, Skouras said there are no difficulties so long as Greek steamers are used. The route taken is via Lisbon. Skouras will return shortly.

Stock Company Plan Begun in Minnesota

MINNEAPOLIS, July 31.—A statewide theatre plan on a subscription basis has been launched here by Henry Adrian with a stock company to tour about 15 of Minnesota's largest cities. The plan calls for performances of seven Broadway plays with audiences subscribing in advance for the entire season.

The performances will be given in high school auditoriums, for the most part. Leading performers will be engaged to supplement the regular stock company cast. A season membership will cost $12 and will admit two persons. In addition, the membership will entitle two children from each family subscribing to attend a monthly matinee performance.

RKO Closes with Dent

RKO has closed a deal with the L. L. Dent Westland Circuit for the new season's program for Colorado theatres. A two-year deal previously had been signed for Dent houses in Oklahoma City and Lincoln, Neb.

Warner Meet Sept. 11

PHILADELPHIA, July 31.—The annual meeting of managers in Ted Schlanger's Warner theatre zone here will be held at the Ritz-Carlton Hotel on Sept. 11. The meeting marks the official start of the new season for the houses.

'Portrait' Ban Revoked

CUMBERLAND, R. I., July 31.—The town council today revoked its ban on the performance of "Family Portrait" at a Summer theatre here after characters originally cast as brothers of Jesus were changed to cousins.

Form Hubbard-Furman

LOS ANGELES, July 31.—James C. Furman and Nathan H. Hubbard have formed a public relations firm, to be known as Hubbard-Furman.

EASTMAN FILMS
BRULATOUR SERVICE

NEW PRICES
EFFECTIVE TODAY

EASTMAN KODAK COMPANY
ROCHESTER, N. Y.

J. E. BRULATOUR, INC.
(DISTRIBUTORS)

FORT LEE CHICAGO HOLLYWOOD

MOTION PICTURE DAILY'S BOOKING CHART

Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
uly 5	Out West With the Peppers *Edith Fellows*	Andy Hardy Meets a Debutante (C) *Mickey Rooney* *Lewis Stone*	Golden Trail (O) *Tex Ritter*	Way of All Flesh (G-D) *Tamiroff* *Gladys George*		Dr. Christian Meets the Women (G-D) *Jean Hersholt*	Sailor's Lady (G-D) *Nancy Kelly* *Jon Hall*		Private Affairs (G-C) *Nancy Kelly* *Roland Young*	Man Who Talked Too Much (D) *George Brent* *V. Bruce*
uly 12		Sporting Blood (G-D) *Bob Young* *M. O'Sullivan*		Stagecoach War (G-O) *Bill Boyd* *Russell Hayden*	Three Faces West (D) Carolina Moon (O)	Millionaires in Prison (G-D) *Lee Tracy* *Linda Hayes*	Manhattan Heartbeat (G-D) *Robert Sterling* *Virginia Gilmore*			All This and Heaven Too (D) *Bette Davis* *Charles Boyer*
uly 19	Military Academy (D) *Tommy Kelly* *Bobby Jordan*	We Who Are Young (A-D) *Lana Turner* *John Shelton*	Haunted House (D) *Marcia Mae Jones* *Jackie Moran*		Scatterbrain (G-C) *Judy Canova* *Alan Mowbray*	Cross Country Romance (G-C) *Gene Raymond* *Wendy Barrie*	Maryland (G-D) *Walter Brennan* *Fay Bainter*	South of Pago Pago (G-D) *V. McLaglen* *Jon Hall*	Black Diamonds (D) *Richard Arlen* *Andy Devine*	My Love Came Back (G-C) *O. DeHavilland* *J. Lynn*
uly 26	Blondie Has Servant Trouble (C) *Singleton-Lake*	Gold Rush Maisie (C) *Ann Sothern* *Lee Bowman*	Boys of the City (D) *East Side Kids*	Untamed (G-D) *Ray Milland* *P. Morison* *A. Tamiroff*	Girl From God's Country (G-D) *Morris-Wyatt*	Stage to Chino (O) *George O'Brien* *Virginia Vale*			You're Not So Tough (G-D) When the Daltons Rode (O)	Ladies Must Live (D) *R. Lane* *Jeffrey Lynn*
ug. 2		Pride and Prejudice (G-C) *Greer Garson* *L. Olivier*	Orphans of the North (D) Rainbow Over the Range (O)	Golden Gloves (D) *Richard Denning* *Robert Paige*	Ranger and the Lady (O) *Roy Rogers*	Stranger On the Third Floor (D) *Peter Lorre* *John McGuire*	The Man I Marreid (D) *Joan Bennett* *F. Lederer*		South to Karanga (O) *Chas. Bickford* *James Craig*	They Drive By Night (A-D) *Ann Sheridan* *H. Bogart*
ug. 9	The Lady in Question (D) *Brian Aherne*	I Love You Again (D) *William Powell* *Myrna Loy*	Doomed to Die (D) Chamber of Horrors (D)	Mystery Sea Raider (D) *H. Wilcoxon* *Carole Landis*	Sing, Dance Plenty Hot (M) *Johnny Downs* *Ruth Terry*	Queen of Destiny (D) *Anna Neagle* *Anton Walbrook*	Girl From Ave. A (D) *Jane Withers* *C. Aldrich*	Captain Caution (D) *Victor Mature* *Louise Platt*	Boys from Syracuse (G-M) *Allan Jones* *Martha Raye*	River's End (D) *Dennis Morgan* *Victor Jory*
ug. 16	The Durango Kid (O) The Secret Seven (D)	Golden Fleecing (D) *Lew Ayres* *Rita Johnson*	Laughing at Danger (D) Range Busters (O)	Comin' Round the Mountain (C) *Burns-Merkel*		One Crowded Night (D) *William Haade* *Billy Seward*	Return of Frank James (O) *Henry Fonda* *Jackie Cooper*			Money and the Woman (D) *Jeffrey Lynn* *Brenda Marshall*
ug. 23	He Stayed for Breakfast (C) *Loretta Young* *Melvyn Douglas*	Busman's Honeymoon (D) *R. Montgomery* *C. Cummings*	Missing People (D) Arizona Frontier (O)	The Great McGinty (G-C) *Brian Donlevy* *Muriel Angelus*		Lucky Partners (D) Wildcat Bus D)	Pier 13 *Lynn Barie* *Lloyd Nolan*			Flowing Gold (D) *Pat O'Brien* *John Garfield*
ug. 30	Five Little Peppers in Trouble (D) *Edith Fellows*	Boom Town (D) *Clark Gable* *Spencer Tracy*	Queen of the Yukon (D) *Chas. Bickford* *Irene Rich*		Oklahoma Renegades (O) Earl of Puddlestone (C)	Dance, Girl, Dance (D) *Maureen O'Hara* *Louis Haywood*	The Great Profile (C) *John Barrymore* *Mary B. Hughes*	Kit Carson (O) *Lynn Bari* *Jon Hall*		Sea Hawk (D) *Errol Flynn* *Brenda Marshall*
ept. 6	Fugitive From a Prison Camp (D) *Jack Holt* *Marion Marsh*			Rhythm on the River (M) *Bing Crosby* *Mary Martin*	Ride, Tenderfoot, Ride (O) *Gene Autry* *Smiley Burnett*		Street of Memories (G-D) *Lynn Roberts* *Guy Kibbee*		Argentine Nights (M) *Ritz Brothers* *Andrew Sisters*	
ept. 13	Howards of Virginia (D) *Cary Grant* *Martha Scott*			Aldrich Family in Life With Henry (C) *Jackie Cooper*			Brigham Young (D) *Tyrone Power* *Linda Darnell*		Hired Wife (C) Leather Pushers (D)	
ept. 20	Wizard of Death (D) *Boris Karloff* *Evelyn Keyes*		The Ape (D) *Boris Karloff* Riding the Western Plains (O)	I Want A Divorce (D) *Joan Blondell* *Dick Powell*			Ghost of the Cisco Kid (O) *Cesar Romero* *Robert Sterling*	The Westerner (O) *Gary Cooper* *Walter Brennan*	Mummy's Hand (D) *Dick Foran* *Peggy Moran*	

Cure That "Double Feature" Trouble with
PARAMOUNT SHORTS

July 19
Color Classic Cartoon
"SNUBBED BY A SNOB"

July 19
Headliner
PINKY TOMLIN
and his Orchestra

July 26
Stone Age Cartoon
"WAY BACK WHEN A RAZZBERRY WAS A FRUIT"

August 2
Popeye Cartoon
"DOING IMPOSSIKIBLE STUNTS"

100%
BOX OFFICE TESTED
Paramount Pictures

Detroit Heat Rises While Grosses Drop

DETROIT, July 31.—The past week's daily temperatures of more than ninety degrees kept film fans out of Detroit's air-conditioned theatres, and drove them to the beaches and resort [illegible]. The result was a business [illegible] which struck a high low since 1930.

The Fox Theatre with an average $27,000 for a stage attraction grossed only $17,000 with "Private Affairs" and the Funnzafire Revue of Benny Meroff. "Buck" Newsom, leading pitcher for the Tigers, was added to the Fox stage show Friday.

Estimated takings for the week ending July 25:

"Leopard Men of Africa" (Select)
"Manhattan Heartbeat" (20th-Fox)
ADAMS—(1,600) (15c-50c) 7 days. Gross: $3,000. (Average, $5,000)
"My Favorite Wife" (RKO)
"The House Across the Bay" (U. A.)
FISHER—(2,700) (15c-44c) 7 days. Gross: $3,500. (Average, $7,000)
"Private Affairs" (Univ.)
Funnzafire State Revue with Benny Meroff
FOX—(5,000) (15c-55c-65c) 7 days. Gross: $17,000. (Average, $27,000 with stage show)
"My Love Came Back" (W. B.)
"The Man Who Talked Too Much" (W. B.)
MICHIGAN—(4,000) (15c-55c-65c) 7 days. Gross: $7,200. (Average, $12,000)
"All This and Heaven Too" (W. B.)
"Pop Always Pays" (RKO)
PALMS—(2,000) (15c-55c) 7 days. Gross: $3,500. (Average, $7,000)
'Our Town" (U. A.)
"Turnabout" (U. A.)
UNITED ARTISTS—(2,000) (15c-39c-55c) 7 days. Gross: $7,000. (Average, $10,000)

'Love' and Kaye Take $10,800, Indianapolis

INDIANAPOLIS, July 31.—Sammy Kaye and his orchestra on stage, with "Love, Honor and Oh, Baby" on screen at Lyric was the only first-run to do a nip-up into the black in the summer's worst heat wave. The gross was $10,800.

Estimated takings for the week ending July 26:

"All This, and Heaven Too" (W. B.)
CIRCLE—(2,800) (28c-33c-44c) 7 days 2nd week. Gross: $4,500. (Average, $6,000)
"Our Town" (U. A.)
"Sporting Blood" (M-G-M)
LOEW'S—(2,800) (28c-33c-44c) 7 days. Gross: $6,600. (Average, $7,000)
"Love, Honor and Oh, Baby" (Univ.)
LYRIC—(2,000) (28c-33c-44c) 7 days. Stage: Sammy Kaye and His Orchestra, plus show. Gross: $10,800. (Average, $8,000)

Illinois Group Meets

ROCKFORD, Ill., July 31.—State taxes on theatres and legislative problems were discussed at a meeting of the United Theatre Owners of Illinois here yesterday. Edward G. Zorn, president, expressed disapproval of Samuel Goldwyn's recent article in the *Saturday Evening Post*, stating that industry problems should not be made public issues.

RCA Sued on Patent

Patent infringement suit against RCA was filed yesterday in the U. S. District Court by Ben Chromy for an injunction and triple damages. The complaint charges infringement of a patent called "Use of Apparatus and Method of Sound Reproduction and Radio Receiving System."

Feature Reviews

"Captain Caution"

(United Artists-Roach)

HOLLYWOOD, July 31.—Hal Roach has made of this Kenneth Roberts novel (Roberts also wrote "Northwest Passage") the fightingest, sailingest, slashingest and dashingest maritime melodrama of its kind in the memory of ye oldest resident. The period is 1812, with the war of that year in progress and in the story but not the main point thereof. The scene is the high seas, with an occasional land sequence in a French port and an English drawing room. The action is fast, furious and for the most part fistic, although broadsides between sailing vessels and boarding parties include also the use of gunpowder, sword, knife and belaying pin.

Hero of the adventure is Victor Mature, playing a Yankee sailor in love but out of favor with Louise Platt, owner of the ship, and his fight with Bruce Cabot, slave trader, pirate and international opportunist, closes the picture with a bang. Leo Carrillo, Robert Barrat, Vivienne Osborne, El Brendel, Roscoe Ates, Andrew Tombes, Aubrey Mather, Alan Ladd, Pat O'Malley, Lloyd Corrigan, Ted Osborn and Ann Codee are members of the large and extremely active supporting cast.

Richard Wallace directed, at a mile-a-minute clip, from a screen play by Grover Jones. The film is full of action from stem to stern, with humor and a touch of music now and then to afford audiences opportunity to catch their breath.

Running time, 85 minutes. "G."* ROSCOE WILLIAMS

"Rainbow Over the Range"

(Monogram)

Tex Ritter is the hero and as such conforms to the formula for Western fare by bringing a gang of outlaws to justice after gun duels and hard riding. In supporting roles are Warner Richmond, Jim Pierce, Slim Andrews, Dorothy Fay, Dennis Moore and Chuck Morrison.

When horse thieves shoot the sheriff and his deputy, Ritter comes to town as marshal and undertakes to restore justice. Pierce, ostensibly the leading citizen, is actually the leader of the outlaws and directs the thefts so that he might gain a horse contract enjoyed by Moore. Miss Fay is Moore's sister and a school teacher. Aided by Richmond and Andrews, Ritter finally corrects the situation.

Edward Finney produced and Al Herman directed. Screenplay was by Rolland Lynch, Robert Emmet and Roger Merton.

Running time, 59 minutes. "G."*

**"G" denotes general classification.*

Para. Partners To Meet on Pact

(Continued from page 1)

gram and other independent companies.

That the Government is considering proposing supplementary legislation in Congress, as was first published in MOTION PICTURE DAILY, was also indicated by the Department of Justice spokesmen yesterday. Such supplementary legislation as would be proposed would be intended to give the decree provisions a statutory basis covering all elements of the industry.

Paul Williams, chief of Government's counsel in New York, leaves for Washington today, and may be gone two weeks.

In the meantime, Robert Sher and A. H. Feller of his staff will work with company representatives here in framing the new draft. Efforts are continuing to eliminate some of the objections to the proposals but Government lawyers yesterday admitted that Sections 1, 3 and 6 still remain as "stumbling blocks."

Cromwell Aids Students

LOS ANGELES, July 31.—Director John Cromwell recently took time off from his work on "Flotsam," Loew-Levin film, to supervise a western being made by University of Southern California students.

Television Industry Acts on Standards

(Continued from page 1)

their chairmen are: System Analysis, P. C. Goldmark; Subjective Aspects, A. N. Goldsmith; Television Spectra, J. E. Brown; Transmitter Power, E.W. Engstrom; Transmitter Characteristics, B. R. Cummings; Transmitter-Receiver Coordination, I. J. Kaar; Picture Resolution, D. E. Harnett; Synchronization, T. T. Goldsmith; and Radiation Polarization, D. B. Smith.

Fifteen organizations were represented at the meeting yesterday. They were: CBS, Don Lee Broadcasting System, DuMont Laboratories, Farnsworth Television & Radio Corp.; Television Productions; Bell Telephone Laboratories; General Electric; Hazeltine Service Corp., John V. L. Hogan, Hughes Tool Co., Institute of Radio Engineers, Philco, RCA Stromberg-Carlson, and Zenith Radio.

Further meetings of the N.T.S.C. will be held some time in September when some of the subcommittee reports are expected to be ready.

Lead Variety Golfers

PITTSBURGH, July 31.—Prize winners at the Variety Club annual golf tournament, held this year at South Hills Country Club, were Archie Fineman, independent exhibitor; Arthur Levy, Columbia branch manager, and Richard Brown, Warner house manager. The three won low score honors.

Philadelphia Good; 'Heaven' Top, $18,200

PHILADELPHIA, July 31.—In spite of the heat wave, grosses at the downtown houses held up unusually well. "All This and Heaven Too," playing at popular prices, led the field practically alone with a strong $18,200 at the Boyd. The other first runs did average business.

Estimated takings for the week ending July 24-26:

"Our Town" (U. A.)
ARCADIA—(600) (35c-46c-57c) 7 days, 3rd run. Gross: $3,400. (Average, $2,600)
"All This and Heaven Too" (W. B.)
BOYD—(2,400) (35c-41c-46c-57c-68c) 7 days. Gross: $18,200. (Average, $13,000)
"Stardust" (20th-Fox)
CARMAN—(2,500) (29c-35c-46c) 7 days, subsequent run, with vaudeville bill including Baxter and Leeds, Patty Hudson, Wilber Vincent, Charles Sidney, and the Dubois Foursome. Gross: $5,000. (Average, $5,200)
"South of Pago Pago" (U. A.)
EARLE—(4,000) (35c-41c-46c-57c-68c) 7 days. Gross: $11,000. (Average, $14,000)
"My Love Came Back" (W. B.)
FOX—(3,000) (35c-41c-46c-57c-68c) 7 days. Gross: $11,700. (Average, $13,000)
"New Moon" (M-G-M)
KARLTON—(1,000) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $4,000. (Average, $3,000)
"The Ghost Breakers" (Para.)
KEITH'S—(2,200) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $4,000. (Average, $4,500)
"Andy Hardy Meets Debutante" (M-G-M)
STANLEY—(3,700) (35c-41c-46c-57c-68c) 7 days, 2nd week. Gross: $10,400. (Average, $14.000)
"The Way of All Flesh" (Para.)
STANTON——(1,700) (35c-46c-57c) 7 days. Gross: $4,200. (Average, $4,500)

'Untamed' $5,800 Best in Providence

PROVIDENCE, July 31.—Heat was the only managerial alibi for generally low grosses. Best comparative income was reported at the Strand where "Untamed" and "Tomboy," assisted by the personal appearance of Patricia Morison on opening day garnered $5,800.

Estimated takings for the week ending July 24-25:

"Turnabout" (U. A.)
"Sporting Blood" (M-G-M)
LOEW'S STATE—(3.232) (28c-39c-50c) 7 days. Gross: $8,000. (Average, $11,000)
"My Love Came Back" (W. B.)
"I Was an Adventuress" (20th-Fox)
MAJESTIC—(2,250) (28c-39c-50c) 7 days. Gross: $3.900. (Average, $7,000)
"Untamed" (Para.)
"Tomboy" (Mono.)
STRAND—(2,200) (28c-39c-50c) 7 days. Gross: $5,800. (Average, $6,000)
"Carolina Moon" (Rep.)
"Murder Is News" (Warwick)
FAY'S—(1,800) (15c-28c) 7 days. Gross: $2,400. (Average, $2,500)
"Maryland" (20th-Fox)
"Sailor's Lady" (20th-Fox)
CARLTON—(1.526) (28c-39c-50c) 2nd week. Gross: $1.000. (Average, $3,500)
"Safari" (Para.) (3 days)
"Our Town" (U. A.) (3 days)
"Four Sons" (20th-Fox) (4 days)
"My Favorite Wife" (RKO) (4 days)
EMPIRE—(2,200) (20c-28c) 2nd run. Gross: $1,450. (Average, $1,800)

'Pago Pago' Party

United Artists gave a party yesterday afternoon at the Cafe Pago Pago in celebration of the opening of Edward Small's picture, "South of Pago Pago," at the Music Hall today. Among those who attended were Arthur Kelly, vice-president and foreign manager of U. A., Cecelia Ager, Stephen Pallos, Sam Shain, Albert Margolies and J. J. Milstein.

Brown Strikes Back at FCC Report Critics

WASHINGTON, July 31.—Striking back at critics of the FCC monopoly report, Col. Thad H. Brown today told the Senate Interstate Commerce Committee that the report was merely tentative and intended to be criticized.

Members of the committee attended the fourth hearing on the nomination of Brown for another term, with the FCC determined to end the hearings.

Senator Charles W. Tobey agreed that an early vote was desirable and promised to conclude his examination tomorrow. Most of today's hearing was devoted to an examination of Ralph F. Colin, CBS counsel, on the Paramount-CBS deal but no new testimony was adduced. The hearing will be resumed and probably concluded tomorrow. On Senator Tobey's suggestion, NBC and RCA were invited to attend tomorrow's session because they were attacked in the monopoly report.

Watertown to Get Two Radio Stations

WASHINGTON, July 31.—The Federal Communications Commission today granted construction permits for two new broadcasting stations in Watertown, N. Y., one a 1270-kilocycle, 500-watt day station to be built by the Brockway Co., and the other a 1210-kilocycle, 250-watt station to be built by the Watertown Broadcasting Corp.

Applications filed with the Commission included one from the Herald Publishing Company, Klamath Falls, Ore., for a construction permit for a new 1370-kilocycle, 250-watt station.

Al Fields Loses Suit

Federal Judge Murray Hulbert yesterday dismissed an infringement suit of Albert H. Wolsfield, orcehstra leader known as Al Fields, against NBC, RCA Manufacturing Co., and Gray Gordon, band leader, for an injunction, accounting and damages. Fields claimed exclusive right to the title "Tic-Toc Music" and an accompanying design.

S. F. Fund Board Named

SAN FRANCISCO, July 31.—Appointment of a board of trustees to administer a newly established $1,000 sick and welfare fund has been made here by Vic Connors, executive secretary for the Four A's. On the group are Theodore Hale, Equity; Lucien Tobin, AFRA; Don Santos, Don Francisco, and Philip Palmer, AGVA.

Close Chicago Office

CHICAGO, July 31. — The Chicago sales office of International Seat Corp. will be closed down in about a week. Sales for this area will be handled thereafter directly from the factory at Union City, Ind. Mrs. J. G. Feinberg, who has had charge of the office, plans an extended vacation at Colorado Springs.

Off the Antenna

AFTER 15 months of regular operation, the NBC television station, W2XBS, signed off last night leaving the screens of local television sets dark until the station resumes operations in the Fall on a new frequency. Work will be begun at once to move the transmitter to the new frequency required by the FCC order and to change images from 441 lines to 507. It is expected that the work will require about two months.

The final program, a variety bill, featured Amelia Hull, a personable Hollywood singer, and Eleanor Steber, Metropolitan Opera auditions winner. Thomas H. Hutchinson, manager of NBC's television department, directed the show.

• • •

Program News: *Columbia Pictures has purchased the screen rights to "Nobody's Children," the radio series dramatizing juvenile problems . . . WBNX on Monday will discontinue its nightly recorded classical music programs at 11:30 and will substitute "The Newsquesters," commentary series to be conducted by Richard Thomas and Mori Fremon . . . Frank Luther will start a new Tuesday and Thursday show over WOR today at 1 P.M. called "Here's Frank Luther Again."*

• • •

CBS yesterday named 25 delegates to the National Association of Broadcasters convention which gets under way in San Francisco Monday. They include Paul W. Kesten, Mefford R. Runyon, Harry C. Butcher, D. W. Thornburgh, H. V. Ackerberg, vice-presidents; Joseph H. Ream, secretary and general attorney; John J. Karol, market research counsel; Frank N. Stanton, director of research; J. Kelly Smith, Radio Sales general sales manager; Howard Meighan, Radio Sales eastern sales manager; Harold E. Fellows, manager WEEI; Kingsley Horton, WEEI sales manager; A. E. Joscelyn, manager, WBT; Arthur Hull Hayes, sales manager, WABC; Merle Jones, manager, KMOX; William Lodge, engineer; Stephen Fuld, station relations department; Edwin K. Cohan, director of general engineering; Frank Faulkner, chief engineer, WBBM; Earl H. Gammons, manager, WCCO; Carl Burkland, sales manager, WCCO; Gilson Gray, commercial editor; Louis Ruppel, publicity director; George Crandall, field representative, and Paul W. White, director of public affairs.

• • •

Purely Personal: *William F. Carley has been appointed publicity and promotion director at WBT, Charlotte, to succeed Arthur Forrest, former promotion head, who resigned, and William Winter former publicity chief, who became WBT news editor . . . Dinah Shore has been signed for Eddie Cantor's new show for Ipana over NBC-Red . . . Jack Mitchell, WBNX film commentator, is vacationing in Hollywood . . . Rex Davis, chief announcer at WCKY, Cincinnati, has succeeded Ed Mendel Jones as program director. Jones left to become general manager of WAKR, Akron.*

Theatre Changes

Esquire Reconstruction Starts

OAKLAND, Cal., July 31.—Reconstruction has started on the interior of the Esquire Theatre, 1,600-seat house which was gutted in a $10,000 three-alarm fire recently, shortly after the audience had filed out from the last show. House will continue in the Blumfield Circuit, which operates 15 theatres in northern California. C. L. Laws is manager.

Palace, Torrington, to Close

TORRINGTON, Conn., July 31.—The Palace, a 1,200-seat Warner theatre, will close Aug. 17 for complete renovation, including a new ventilating system.

Installs Air-Conditioning

MONTEZUMA, Ia., July 31.—Monte Theatre here, operated by Mrs. Kathryn Davis, has installed air-conditioning.

Elliott Joins Newspaper

MACON, Ga., July 31.—W. Theo Elliott, formerly art director for the East Texas Theatre chain and more recently associated with the Perkins-Elliott Advertising Agency here, has joined the staff of the Macon Telegraph & News.

Gladdeck in Philadelphia

FRED GLADDECK is the new manager of the Tyson, Philadelphia.

K. C. Orpheum Reopens Aug. 15

KANSAS CITY, July 31.—The RKO Orpheum is scheduled to reopen here August 15 with "The Ramparts We Watch." Lawrence Lehman will return to the house as manager after an illness.

To Refurnish Theatre

NEW HAVEN, July 31. — Frank Meadow will furnish the 280-seat State with new seats, carpets and screen, and will redecorate the lobby.

Ware in New London

NEW LONDON, Conn., July 31.—Charles Morse, circuit operator, has appointed H. Ware, former manager of the Bates, Attleboro, Mass., as new manager of the Empire, New London, Conn. succeeding Arthur Menard. Ware managed theatres in Texas before coming East.

Richards in Publicity Post

SAN FRANCISCO, July 31.—Dan Richards, former manager of the Orpheum in Oakland, has taken over as publicity director at the Paramount here, due to the illness of Al Dunn, who will be out at least three months.

Evening Shows Dropped

ALTA, IA., July 31.—L. M. Riddle will discontinue Sunday, Monday and Thursday night shows at the Roxy during August.

Kaye Urges Sponsor Aid In BMI Fight

In a direct appeal to advertising agencies, Sidney M. Kaye, vice-president and general counsel of Broadcast Music, Inc., yesterday urged sponsors to cooperate with broadcasters i[illegible] fight against Ascap.

At a luncheon at the Waldorf-Astoria, Kaye asserted that it "is obviously in the interest of the advertiser and advertising agency to protect themselves from an exhorbitant increase in costs; to protect their programs from sudden change by substituting now the music which radio will be licensed to play after Jan. 1; and in opening the door to creative talent struggling for an opportunity to be heard over the air."

He urged agencies to select coordinators to work with music specialists at BMI to solve difficulties arising from changes in thematic music, backgrounds and music of both primary and secondary appeal.

Nova Scotia Raised $60,000 to 'Win War'

HALIFAX, N. S., July 31.—Theatres in Nova Scotia exceeded the provincial quota of $50,000 maximum by $10,000 in the "Win the War" savings stamp shows recently held.

R. C. Roddick, manager of the Capitol here, and secretary-treasurer of the Nova Scotia committee, has completed a statistical review of the drive in the province.

Salient facts are: Nova Scotia theatres got more per seat ($2), than in any other province; the sales were about equally divided between certificates and stamps, in number; the Capitol, Halifax, sold the most stamps in the province; the Capitol, Springhill, a town with population of 7,000, collected the most money in the province; the Casino, Halifax, collected the most money among Halifax theatres; approximately 30,00 persons made purchases of stamps; in excess of $12,000 was collected by theatres in Halifax and Dartmouth (across the harbor); 53 theatres with about 30,000 seats were donated for the night.

War Defers Theatre Building in Canada

ST. JOHNS, N. B., July 31.—War conditions have deferred the construction of new picture theatres which had been announced or considered for Campbellton, Moncton, Bathurst, Milltown in New Brunswick; Halifax, Truro, Windsor, Bedford, Antigonish, Reserve Mines, in Nova Scotia. The primary cause of postponement in erection operations has been the advancing cost of materials and labor. The Famous Players Canadian had announced intention to build at Moncton, N. B., for this chain's third house there. F. P. already operates the Capitol and Empress in Moncton, both adjoining, and using the same entrance. F. W. Winter, former owner-manager of the two, continues as manager, with a financial interest.

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 24 NEW YORK, U. S. A., FRIDAY, AUGUST 2, 1940 TEN CENTS

Pennsylvania Faces Sunday Film Fight

Lord's Day Alliance Seeks To Resubmit Issue

PHILADELPHIA, Aug. 1.—Pennsylvania faces another attempt to ban Sunday shows, which are now permitted in 168 of the State's communities, including this city.

Five years ago, in 1935, Philadelphia voters registered a 2-to-1 preference for Sunday shows but it was provided that the question must be resubmitted after five years. The Lord's Day Alliance is taking advantage of this provision.

In Harrisburg, the State capital, which originally voted against Sunday film shows among 158 of the State's municipalities, theatre managers are circulating petitions to have the question resubmitted. The anti-Sunday show campaign is being prosecuted by the Lord's Day Alliance, headed by its Secretary, W. B. Forney, to put the question before the Philadelphia voters. The petition will require 19,000 signatures.

Among other circuits, the proposal will affect Warners, which have many theatres in Philadelphia and other cities in the State. Comerford and Loew's are other large circuits.

Senate Would Quiz Sarnoff, RCA Head

WASHINGTON, Aug. 1.—Appearance of David Sarnoff, president of Radio Corporation of America, before the Senate Interstate Commerce Committee was demanded today in connection with charges made two years ago by former Rep. W. D. McFarlane that Sarnoff and another RCA official had paid two Senators $5,000 each in 1932 to secure postponement of the Government anti-trust suit against RCA.

The demand for Sarnoff's appearance was made during the committee's hearings on the nomination of Col. Thad H. Brown for another term as Federal Communications Commission member. Sen. Charles W. Tobey, who has been conducting a lengthy examination, demanded that Sarnoff be subpoenaed if he failed to appear. The

(*Continued on page* 8)

Broadcasters' revenue in 1939 totaled $89,990,646, a new high. Story on page 8.

Henry Ginsberg Named Vice-Pres. By Para. Directors

Henry Ginsberg, executive assistant to Y. Frank Freeman, vice-president in charge of the Paramount studio, was elected a vice-president of the parent company at a meeting of the board of directors yesterday at the company's home offices. Ginsberg succeeds in office George L. Bagnall, who resigned recently. Ginsberg joined Paramount early this year.

Henry Ginsberg

The company announced yesterday its estimated earnings for the second quarter, ended June 20, as $1,478,000, after all charges, bringing its six months' earnings up to $3,084,000.

It is reported in the company's statement that there were outstanding as of June 29, 1940, 141,590 shares of cumulative convertible $100 par value 6 per cent first preferred stock and 555,071 shares of cumulative convertible $10 par value 6 per cent second preferred stock. After deducting $295,645 of dividends accrued for the quarter on these preferred shares, the remaining $1,182,355 of estimated combined consolidated and share of undistributed earnings for the quarter represent 48 cents per share on the 2,465,927 shares of common stock

(*Continued on page* 4)

Will Play Pictures He Sold to Theatre

Kansas City, Aug. 1.—Paul Hannon, who has taken over the Lyric at Plattsburg, Mo., is in the unusual position of fulfilling a contract he sold the theatre a short time ago as a salesman for Paramount in Western Missiouri. Hannon becomes an exhibitor after a number of years in the distribution end. Harry Wheeler succeeds him at Paramount.

Grosses Show Improvement

Box office grosses, everywhere along the Eastern seaboard, which slumped badly for the past two weeks, because of the heat wave, yesterday began to show comparative improvement, according to reports from various cities and towns, under the force of new product and cooler weather.

From Philadelphia, it is reported, that although cooler weather gave the city some respite yesterday the Warner Bros. theatres were preparing for a continuation of the heat spell which crippled box office grosses all week.

The 3,700-seat Stanley will remain open all night for those wishing to find escape from the stifling heat, in this air-conditioned house, and should the heat wave continue, neighborhood houses will also go into all-night operation.

Detroit was reported yesterday to

(*Continued on page* 4)

"Boom Town"

[M-G-M]

HOLLYWOOD, Aug. 1.—This multiple starred production is or could be M-G-M's answer to its own President Nicholas M. Schenck's immortal observation that "There's nothing wrong with the motion picture business that a good picture can't cure." If this one doesn't turn out to be a sure cure for the current attack of box-office blues, the patient is dead and needs burial, in the unanimous opinion of the professional audience which saw it in preview at Hollywood's Four Star Theatre this afternoon and plumped for it en masse. It's got, they were saying, everything in the way of entertainment the motion picture ever had in its best day, and nothing whatever else.

Top three stars in a cast too full of billboard names for any marquee but the Music Halls are Clark Gable, Spencer Tracy and Claudette Colbert, no one of which ever had a more appropriate casting or handled one better. Other names, among many, are those of Hedy Lamarr, Frank Morgan, Lionel Atwill, Chill Wills, Marion Martin, Minna

(*Continued on page* 4)

Arbitration In Decree Would Bar 'Bootlegs'

Terms May Be Limited to Bona Fide Exhibitors

Operators of so-called "bootleg" theatres would be barred from the privileges of arbitration to be set up under the proposed consent decree settling the Government's New York anti-trust suit, according to present discussions.

This matter was considered at a meeting of Government and defense attorneys yesterday at which phases of the arbitration provisions were discussed at length.

Definition of Complaints Sought

Among these were provisions aimed primarily at limiting the type of complaint and complainant which will be permitted to come before the arbitration boards. A definition is being sought which would preclude the "bootleg" theatre operators from applying for relief under arbitration. Such operators are described as those which will attempt to or have entered a theatre situation to gain competitive advantages offered by the decree and who would use them later for their "nuisance" value against competitors who are bona fide and established exhibitors.

To Protect Exhibitors

It has been suggested to the negotiators in this respect that established exhibitors might be threatened with loss of product, clearance and run by unscrupulous operators using the decree as a weapon.

The Big 5 are expected to decide on acceptance or rejection of the proposed decree within a week, according to spokesmen.

Preliminary work on the decree has been completed except for what is described as a "polishing up process,"

(*Continued on page* 4)

Harris and Kelman Buy Phila. Exchange

PHILADELPHIA, Aug. 1.—Benjamin Harris, who has been booker of Masterpiece Film Exchange for the past 20 years, yesterday became one of the owners of the company. Harris and Lew Kelman bought control from Louis Korson, who retires. Kelman operates a local news photo service. The name of the exchange will be changed under their management to American Film Company.

'South of Border' Banned in Mexico

Mexico City, Aug. 1. — RKO's "South of the Border" has been banned in Mexico, presumably because the censors took exception to the theme of confiscated oil and revolution. This prohibition obliged the Cine Olimpia here, the only local directly American managed theatre, which had booked the film and done much expensive advertising of it, to make a quick program switch at the last minute.

Edw. Flynn Named Democratic Chmn.

Edward J. Flynn of the New York law firm of Goldwater & Flynn, well known in the film industry, and former Secretary of State, yesterday was named Democratic National chairman, succeeding James A. Farley, who will retire Aug. 17.

Flynn's law firm has been counsel for Keith-Albee-Orpheum for many years and also represents M. J. Meehan, principal preferred stockholder in K-A-O. The firm is counsel for the RKO theatre subsidiary in the Government's New York anti-trust suit.

Frank C. Walker, head of the Comerford circuit, had been mentioned for the post of Democratic National chairman but is understood to have declined the post because of pressure of business affairs.

Loew Transfers Bell To New York Post

Ray Bell, publicity representative for Loew theatres in Washington, is being transferred to New York and will handle newspaper contacts. Bell has won several awards for campaigns in his city, including the Quigley Silver Grand Award for 1939.

In a realignment in the M-G-M publicity department, Bernard Sobel of the staff will be placed in charge of special promotion for "The Ziegfeld Girl." Sobel handled Broadway publicity for Florenz Ziegfeld.

Gertrude Gelbin, formerly editor of *Loew's Weekly*, which has been discontinued, will join the fan magazine publicity staff.

Lindy's INC.
RESTAURANTS
1626 BROADWAY 1655
(Next to the Rivoli Theatre) (51st Street Corner)
For over 20 years the luncheon and dinner place for Motion Picture People
Sole agents in New York for FAMOUS
BLUM'S ALMONDETTES
from
San Francisco, California

Personal Mention

HERMAN WOBBER, general manager of distribution for 20th Century-Fox, left by plane Wednesday night for Salt Lake City to arrange for the premiere of "Brigham Young." He will continue to the studio for conferences before returning.

•

F. W. BEIERSDORF, Warner branch manager in Washington, arrived yesterday for home office conferences with ROY HAINES, Eastern and Canadian sales manager.

•

NORMA SHEARER arrives from the Coast today. MERVYN LEROY, director, and MRS. LEROY accompanied her to Albany from where they went to Saratoga.

•

ROBERT S. BENJAMIN of Phillips, Nizer, Benjamin & Krim has returned from a business visit on the Coast.

•

JACKSON S. HURFORD, JR., first-born son of JACKSON S. HURFORD, manager of the Fox, Detroit, was confirmed this week.

•

ALBERT SHULMAN, operator of the Rivoli, Hartford, is on vacation in Washington. MAX and MAURICE SHULMAN, Hartford and Windsor exhibitors, are spending the Summer in Clinton, Conn.

•

WILLIAM WALSH, manager of the Comerford, Wilkes-Barre, recently became the father of a second child, a son.

•

MORTON GERBER, of the Warner publicity staff, leaves today for a two-week vacation trip through New England.

•

EDDIE RUBIN of the RKO studio publicity department is in town on vacation following two weeks in Boston, his home town.

LEO ABRAMS, short subject sales chief for Universal, left yesterday for Philadelphia and Pittsburgh.

•

CHARLES C. PETTIJOHN, JR., son of the general counsel of M.P.P.D.A., was married on Wednesday at Harrison, N. Y., to JOSEPHINE HANLON of New Rochelle. The couple will leave for Hollywood today where they will make their home.

•

LAUDY LAWRENCE, M-G-M manager for Continental Europe, returned yesterday from the Coast where he conferred with studio officials.

•

IRVING BERLIN, LOU BRANDT, JOSEPH PINCUS and AL YOUNG at Lindy's (51st St.) yesterday for lunch.

•

ABE MONTAGUE, PHIL REGAN, and RUBE JACKTER lunching at Lindy's (next to the Rivoli) yesterday.

•

WILLIAM A. SCULLY, ARTHUR HOPKINS, WILLIAM F. RODGERS, BARNEY BALABAN, AUSTIN KEOUGH and ED SAUNDERS at Nick's Hunting Room in the Astor for lunch yesterday.

•

STANTON GRIFFIS, AL ALTMAN, ARTHUR LOEW, GEORGE DEMBOW, CHARLES SONIN, JACK KIRKLAND, HARRY OSHRIN and SIDNEY PHILLIPS at Sardi's for lunch yesterday.

•

LOUIS J. BARBANO, WILLIAM J. HEINEMAN, THOMAS LOACH, LOU POLLOCK, HANK LINET, LOU WEINBERG, HARRY THOMAS, DOUGLAS ROTHACKER and PAUL SMALL lunching at the Tavern yesterday.

•

JOSEPHINE LANGFELDER, receptionist at the New York Film Board of Trade, leaves tomorrow for a week's vacation. Upon her return, ETHEL DAVIS of the same office leaves for a two-week vacation at Indian Falls, N. Y.

C. C. Pettijohn, Jr., Assistant to Breen

Charles C. Pettijohn, Jr., has been named a staff assistant to Joseph I. Breen, head of the Production Code Administration.

Pettijohn, who is the son of the M.P.P.D.A. general counsel, will leave for the Coast today and will take up his new duties on his arrival there. He was graduated from Georgetown University a year ago and has been engaged until recently in experimental television work at Rye, N. Y.

Sommers Heads Circuit

CINCINNATI, Aug. 1.—Henry Sommers, manager of the RKO Shubert for the past year, has resigned to become general manager and booker of the Sam Lee circuit, with three houses in Frankfort and two in Winchester, Ky. He replaces Sam Lee, who is retiring. The reopening of the Shubert here, set for Aug. 9, has been postponed indefinitely.

Leases Freehold House

Dr. Henry Brown, operator of the Strand and Palace, Lakewood, N. J., has leased the Liberty at Freehold, N. J., from Max Snider for a long term. Snider has operated the house for the past 20 years.

Metro Sets 3 More Tests on 'Boom Town'

Three additional test engagements for "Boom Town" were set yesterday by M-G-M, bringing the total to 14. A policy providing for a one-third increase in evening prices and one-fourth increase in matinees prices will be in effect during all these runs.

The new bookings are: Aug. 9, Kentucky, Lexington, Ky.; and Community, Saratoga, N. Y.; Aug. 16, Criterion, Oklahoma City.

The following field representatives have been assigned by William R. Ferguson, exploitation manager, to handle campaigns on the test runs; James Ashcraft, Atlantic City, Harrisburg and Reading; Todd Ferguson, New Orleans; E. B. Coleman, Oklahoma City and Tulsa; Harold Marshall, Indianapolis; J. E. Watson, Lexington and Cincinnati; Jack Walsh, Saratoga, Lake Placid and Glens Falls, and Elliot Foreman, Asbury Park. James Schiller is assisting studio representatives in Los Angeles.

Circuit Meets Sept. 4

KANSAS CITY, Aug. 1.—The annual Fall meeting of Commonwealth Amusement's theatre managers will be held here at the Hotel President on Sept. 4 and 5.

Newsreel Parade

THE spectacular fire at a Camden, N. J., paint factory in which 30 persons lost their lives offers unusual possibilities to the newsreels in their weekend issues. All reels have Roosevelt and only one Willkie. There are also war events in Europe and a collection of interesting miscellany. Here are the contents:

MOVIETONE NEWS, No. 94—Ro[illegible] at Langley Field. Fatal fire at Ca[illegible]. New Parliament in France. French soldiers in London. King George with guards. British princesses on boat ride. Stimson talks on conscription. Manufacturing of tanks in Illinois. Motor boat race and rough water swimming on Coast. Girl vacationists ride horseback.

NEWS OF THE DAY, No. 292—Fire in Camden. Roosevelt on inspection tour of defenses. French mourn defeat. New autogiro tested. Stimson discusses conscription. Horse racing at Saratoga.

PARAMOUNT NEWS, No. 97—Camden fire. Fascist regime in France. Heat wave in New York, Washington and Palisades. Roosevelt at Langley Field. LaGuardia on conscription. Aid for Allies urged. Rifle production speeded in Springfield, Mass. Philadelphia arsenal rushes supplies. New guns made in Illinois.

RKO PATHE NEWS, No. 109—New regime in France. Chief of Staff approves conscription. Speed production of guns in Illinois. Camden fire. British royal family is separated. New autogiro in Pennsylvania. Roosevelt at Langley Field. Regatta in California.

UNIVERSAL NEWSREEL, No. 898—New tanks and guns at Rock Island, Ill. Roosevelt inspects air defenses. New Government takes over in France. Camden fire. Willkie in Colorado. New autogiro demonstrated. "The Daltons Rode" premiere in Kansas. "Miss America" is chosen. Rough water swimming in California. Rodeo in California.

Columbus Variety Club Holds Outing

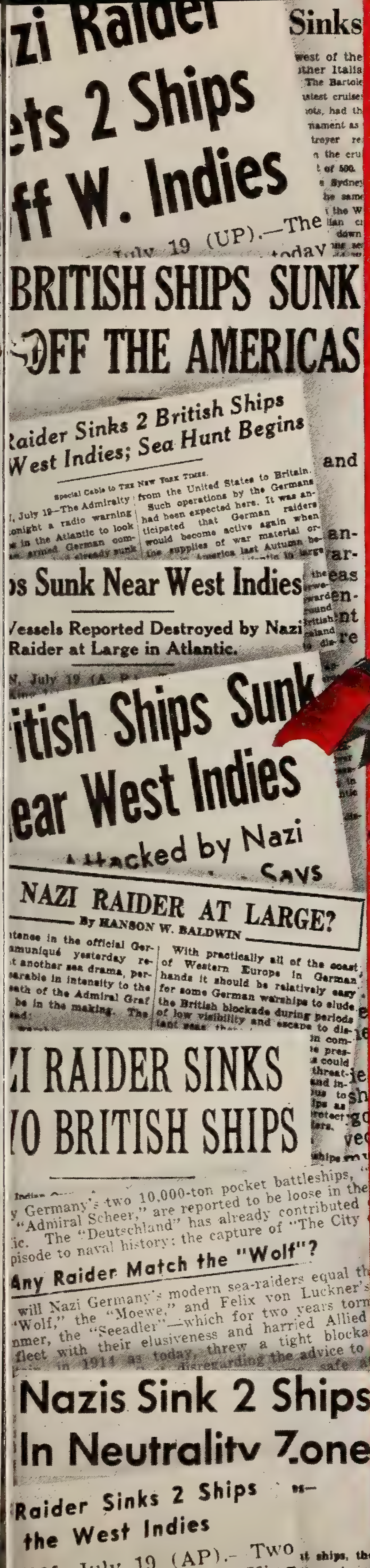
COLUMBUS, O., Aug. 1.—The Columbus Variety Club today held its annual roundup at the Brookside Country Club, consisting of golf and other sports, dinner and a floor show. The proceeds will be used toward building a complete school house for Nightingale Cottage, a local institution for shutins, for which the club last year furnished equipment for infantile paralysis treatment.

'Sea Hawk' at Normandie

Trade showing of Warner's "Sea Hawk" will take place locally at the Normandie Theatre Monday morning. At the same time, the film will be shown to the trade in 36 other exchange cities.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938. at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



zi Raider
ets 2 Ships
ff W. Indies

July 19 (UP).—The
today

Sinks

west of the
ither Italia
The Bartole
ustest cruise
ots, had th
nament as
troyer re
n the cru
t of 500.
s Sydney
he same
the W
lian c
down

BRITISH SHIPS SUNK
OFF THE AMERICAS

Raider Sinks 2 British Ships
West Indies; Sea Hunt Begins

Special Cable to THE NEW YORK TIMES.
, July 19—The Admiralty tonight a radio warning e in the Atlantic to look n armed German com- already sunk

from the United States to Britain. Such operations by the Germans had been expected here. It was anticipated that German raiders would become active again when the supplies of war material ‑ the ‑ America last Autumn ‑ in large

and
an-
ar-
eas
en-
nt
re

s Sunk Near West Indies

Vessels Reported Destroyed by Nazi Raider at Large in Atlantic.

the
we-
warden
ound
British
aland
s dis-

N, July 19 (A. P.

itish Ships Sunk
ear West Indies
Attacked by Nazi
Says

NAZI RAIDER AT LARGE?

By HANSON W. BALDWIN

tence in the official German communiqué yesterday re- t another sea drama, per- parable in intensity to the eath of the Admiral Graf be in the making. The ed:

With practically all of the coast of Western Europe in German hands it should be relatively easy for some German warships to elude the British blockade during periods of low visibility and escape to distant seas that

in com-
te pres-
s could
threat-
and in-
ous to
ips as
rotect
ters.
ships

e
le
sh
go
ve

ZI RAIDER SINKS
O BRITISH SHIPS

y Germany's two 10,000-ton pocket battleships, "Admiral Scheer," are reported to be loose in the ic. The "Deutschland" has already contributed pisode to naval history: the capture of "The City

Any Raider Match the "Wolf"?

will Nazi Germany's modern sea-raiders equal th "Wolf," the "Moewe," and Felix von Luckner's nmer, the "Seeadler"—which for two years torm fleet with their elusiveness and harried Allied in 1914 as today, threw a tight blocka disregarding the advice to safe

Nazis Sink 2 Ships
In Neutrality Zone

Raider Sinks 2 Ships
the West Indies

July 19 (AP).— Two

it ships, the

PARAMOUNT CRASHES THE FRONT PAGE WITH

"MYSTERY SEA RAIDER"

Put it on your screen while it's RED-HOT NEWS!

Paramount Pictures

with **Carole Landis · Henry Wilcoxon · Onslow Stevens**

Arbitration In Decree Would Bar 'Bootlegs'

(Continued from page 1)

one which will not alter the proposals in any major respect. Preparation of a written draft is under way and may be completed by the first of next week. Defense attorneys will then check these drafts and submit them to their principals for early action.

Defense attorneys yesterday expressed hope that final action by the companies would not be delayed much beyond mid-week since, they said, if the decree is rejected, preparations for resumption of trial on Oct. 7 should be begun at once. If the decree is not rejected, they pointed out, additional negotiations may still be necessary, further delaying knowledge of the ultimate fate of the decree.

Robert L. Wright of the Government legal staff left for Washington yesterday to be gone until the first of next week. It is believed that, with Paul Williams, chief of the Government's legal staff here, who went to Washington on Wednesday, Wright will confer with members of the Department of Justice consent decree division on the preparation of the written draft of the decree.

'Gangs' Garners $14,600 in Buffalo

BUFFALO, Aug. 1. — Grosses here were good, despite near-record July heat. Best was "Gangs of Chicago" and fight films, aided by a stage show, at the Twentieth Century with a whopping $14,600. "Andy Hardy Meets Debutante" and "My Love Came Back," in a second run at the Hippodrome, bumped figures up to $7,800.

Estimated takings for the week ending July 27:

"Maryland" (20th-Fox)
BUFFALO—(3,489) (35c-40c-60c) 7 days. Stage: D'Artega and orchestral ensemble in A Musical Panorama, with the Yost Songquins, Ted Lester and Nina Allen. Gross: $8,400. (Average, $12,000)

"South of Pago Pago" (U. A.)
"Half a Sinner" (Univ.)
GREAT LAKES—(3,000) (35c-55c) 7 days. Gross: $6,500. (Average, $7,500)

"Andy Hardy Meets Debutante" (M-G-M)
"My Love Came Back" (W. B.)
HIPPODROME—(2,100) (30c-40c) 7 days, 2d run. Gross: $7,800. (Average, $6,800)

"Gangs of Chicago" (Rep.)
"Armstrong-Jenkins Fight Film" (RKO)
TWENTIETH CENTURY—(3,000) (30c-35c-50c). Stage: Don Bestor and orchestra on stage, with Stepin Fetchit, the Condos Brothers, the Five Juggling Jewels, Penny Lee and Johnny Russell. Gross: $14,600. (Average, $7,500)

"Blondie on a Budget" (Col.)
"The Man With Nine Lives" (Col.)
LAFAYETTE—(3,000) (30c-40c) 7 days. Gross: $4,000. (Average, $6,300)

Reopen in Indianapolis

INDIANAPOLIS, Aug. 1. — Manager Kenneth Collins announces that the Indiana, 3,200-seat house closed since June, will reopen tomorrow with "The Boys from Syracuse" and "Private Affairs." The Ritz, de luxe neighborhood, has closed pending court action on its bankruptcy and is expected to remain dark until about Sept. 1.

"Boom Town"

[M-G-M]

(Continued from page 1)

Gombel, Sara Haden, Joe Yule, Horace Murphy and Frank McGlynn, Sr. It is between the top three, however, that interest fluctuates, none having more than a minor margin of advantage at any point, throughout two hours of solid drama interrupted by fist fights, brawls, explosions, financial and physical wreckings and general though never miscellaneous strife.

Burkbennett, oil town of song and story, is scene of the mad scramble for leases, sites, drilling machinery and such in which the picture starts. Here Gable and Tracy meet, fight, become partners, and here comes Colbert, beloved of Tracy, to meet and marry Gable for start of a man to man struggle, all on the honorable side but with no holds barred, which carries the three up and down through several fortunes to South America and New York and, finally, back to the oil fields again and all even. John Lee Mahin's script, from James Edward Grant's story, is by far the best from the Mahin typewriter, a machine that has turned out a dazzling array of box-office champions.

Production by Sam Zimbalist is on a scale seldom ventured in even the most roseate eras of cinema prosperity. The boom town erected for the opening sequences is among the largest sets ever manufactured and the scenes showing the outbreak of fire in the oil fields have not been matched or approximated up to now. Direction by Jack Conway, achieving speed, complete clarity and a driving power seldom equalled, is of a quality few directors attain once in a career.

Built to entertain and nothing else, and fitted out with names enough to attract any and all customers anywhere and everywhere possessed of the admission price, the picture is a challenge to public apathy, a tonic for exhibitor and fan and an ornament to the art industry.

Running time, 120 minutes. "G."* ROSCOE WILLIAMS

---

*"G" denotes general classification.

Grosses Show Improvement As Hot Weather Recedes

(Continued from page 1)

be looking forward to another two days of continued hot weather, based on the weatherman's predictions. On Tuesday, the thermometer registered 89 degrees, the first time that it hit under 90 since July 19. Grosses in downtown and neighborhood houses were reported at from 50 to 75 per cent under average.

J. S. Hurford, manager of the Fox, Detroit, has announced that in view of the drop in attendance, caused by the heat wave, stageshows will be dropped for an indefinite period.

Washington's exhibitors yesterday welcomed the first low-eighty temperatures in two weeks but looked askance at the weather man's warning that the cool weather would last only a day or two. The test comes tomorrow when the new programs start.

After a two-week heat wave, with only one day on which the thermometer failed to reach 90 and with one day in which it touched 100, local showmen were hoping for a revival of business, particularly for the now air-conditioned theatres.

Broadway's weekly figures were severely dented by the poor trade which was experienced because of the torrid weather over the weekend. Both "They Drive by Night,' and "All This and Heaven, Too,' finished pretty strong. George Raft was on the stage in person at the Strand, in connection with the showing of the former picture and the week's figure is estimated at over $40,000. "All This and Heaven, Too," with a stage show at the Radio City Music Hall, finished its fourth and final week with an estimated $68,000. This picture, opened early in July and on its four weeks grossed an estimated $356,000.

Both "Andy Hardy Meets Debutante," at the Capitol, and "The Boys from Syracuse," at the Paramount, were reported enjoying good business. The "Hardy" film opened yesterday. At the Paramount, the Universal picture is playing a combined policy, with Allan Jones, Irene Hervey and the Xavier Cugat band on the stage.

"Turnabout" at the Roxy closed with only an estimated $24,000 on its week's run and a stage show. "The Man I Married" opens today.

"Pago Pago," opening yesterday at the Music Hall, was fairly well received, according to incomplete reports on the day's business.

In Chicago, cool weather caused a substantial increase in attendance at most of the Loop theatres and even in the neighborhoods. Tom Gorman reported a good opening day at the RKO Palace. This theatre had been closed several months.

Harry King to Marry

ALBANY, Aug. 1.—Harry King, assistant manager of the Madison Theatre, is to be married August 18 to Regina Kolzlowski at St. George's Church.

Col. W. A. Grant Dead

TORONTO, Aug. 1.—The death has occurred of Col. W. A. Grant, 73, president of Associated Screen News Ltd., following a heart attack. He had been with the company 15 years.

Name Ginsberg Vice-President Of Paramount

(Continued from page 1)

outstanding on June 29, 1940, which compares with 21 cents per share for the quarter ended July 1, 1939. Computed on the same basis, the estimated combined consolidated and share of undistributed earning[illegible]r the six months ended June 29, 1940, represent $1.01 per share on such common stock outstanding, which compares with 62 cents per share for the six months ended July 1, 1939.

Included in the second quarter earnings are $323,000, representing Paramount's direct and indirect net interest as a stockholder in the combined undistributed earnings of partially owned non-consolidated subsidiaries and $58,000 profit on purchase of debentures.

Earnings for the corresponding quarter, ended July 1, 1939, were $830,000 including $300,000 share of undistributed earnings of partially owned, non-consolidated subsidiaries.

The estimated six-months' earnings include $1,039,000, share of undistributed earnings of partially owned, non-consolidated subsidiaries and $66,000 profit on purchase of debentures. For the six months ended July 1, 1939, the company's earnings were $2,130,000, including $978,000, share of undistributed earnings of partially owned, non-consolidated subsidiaries.

'313' and Scandals Top in Cleveland

CLEVELAND, Aug. 1.—Hot weather or no hot weather, people pour in to see the "Scandals," so RKO Palace, showing "The Girl in 313" also on its bill, drew a sizzling $16,500 here last week.

Estimated takings for the week ending July 25:

"Girls of the Road" (Col.)
ALLEN—(3,000) (33c-39c-47c) 7 days. Gross: $2,500. (Average, $4,000)

"All This and Heaven, Too" (W. B.)
WARNERS' HIPPODROME — (3,800) (33c-39c-47c) 7 days, 2nd week. Gross: $9,500. (Average, $11,000)

"Girl in 313" (20th-Fox)
RKO PALACE—(3,100) (33c-47c-55c) 7 days. George White's Scandals on stage. Gross: $16,500. (Average, $13,500)

"Andy Hardy Meets Debutante" (M-G-M)
LOEW'S STATE—(3,500) (33c-39c-47c) 7 days, 2nd week. Gross: $7,000. (Average, $11,000)

"Safari" (Para.)
LOEW'S STILLMAN—(1,900) (33c-39c-47c) 7 days. Gross: $4,000. (Average, $4,000)

Brown to Providence

PROVIDENCE, Aug. 1. — William Brown, former manager of the RKO-Albee here and more recently a manager in Fall River, Mass., has been engaged by Associated Theatres to manage the Metropolitan and Playhouse when the theatres reopen in September. The Metropolitan will feature name bands and vaudeville while the Playhouse will present legitimate stage shows.

Continuous on Sunday

LUZERNE, Pa., Aug. 1.—The Luzerne has adopted a new Sunday policy of running continuous shows from 3 to 11 P. M.

COMPLETING THE PICTURE

DRAMATIC lighting and unusual camera angles are only partly responsible for the startling beauty of modern screen productions. It takes Eastman negative films to do full justice to the cameraman's wizardry — to really complete the picture. Eastman Kodak Company, Rochester, N. Y.

J. E. BRULATOUR, INC., *Distributors*
Fort Lee   Chicago   Hollywood

PLUS-X
for general studio use

SUPER-XX
when little light is available

BACKGROUND-X
for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

'Hardy' Hardy Pittsburgh Draw, $16,000

PITTSBURGH, Aug. 1.—Heat bit into the expected takes at downtown houses, although "Andy Hardy Meets Debutante" grossed a hefty above-average $16,000 at Loew's Penn and stays for a second week.

The Warner fared fairly well with $3,800 for the dualer of "Anne of Windy Poplars" and "The Man Who Talked Too Much."

Estimated takings for the week ending July 25:

"Lost Horizon" (Col.)
"The Awful Truth" (RKO)
ALVIN—(1,800) (28c-39c-55c) 7 days. Gross: $4,500. (Average, $7,500)

"Andy Hardy Meets Debutante" (M-G-M)
LOEW'S PENN—(3,400) (28c-39c-55c) 7 days. Gross: $16,000. (Average, $13,000)

"The Captain Is a Lady" (RKO)
"Cross Country Romance" (RKO)
RITZ—(800) (28c-44c) 7 days. Gross: $2,000.

"All This, and Heaven Too" (W. B.)
STANLEY—(3,600) (28c-39c-55c) 7 days, 2nd week. Gross: $9,500. (Average, with vaudeville, $18,500. Average pictures only, $13,500)

"Anne of Windy Poplars" (RKO)
"The Man Who Talked Too Much" (W.B.)
WARNER—(2,000) (28c-44c) 7 days. Gross: $3,800. (Average, $5,000)

Kirsch Sends Wires To Small, Freeman

CHICAGO, Aug. 1.—The fight of Illinois Allied and its president, Jack Kirsch, against double and triple features continued today with the sending of telegrams to Y. Frank Freeman, Paramount vice-president in charge of the studio, and Edward Small, U. A. producer.

The wire to Freeman took exception to a recent statement in which he said that exhibitors are wasteful and which objected to top features offered on dual bills. He asked Freeman, as a Paramount official, if he is sincere in his desire to eliminate multiple features and cited the Balaban & Katz Belmont Theatre's showing of three "A" pictures on one program.

Kirsch, in his wire to Small, after saying that Small's opinions on double bills had been quoted in the trade papers, cited that "My Son, My Son," a Small production, is being shown at the Belmont along with "Typhoon" and "Irene." Kirsch solicited Small's support in fighting this practice.

Ask Game Dismissal

LINCOLN, Neb., Aug. 1. — Omaha exhibitors cited for contempt of court by the State Supreme Court here for operation of Prosperity Clubs, have asked dismissal. It is contended Prosperity Club is a violation of the lottery laws, but the Omaha exhibitors say it is not.

New Warner Exchange

PITTSBURGH, Aug. 1.—Construction on a new Warner exchange building on the Boulevard of Allies will be started soon, the building to be completed by Dec. 1.

Huey Publicity Head

SAN FRANCISCO, Aug. 1.—Charles Huey has succeeded Ben Westlund as advertising and publicity manager of the downtown Golden Gate.

Feature Reviews

"Mystery Sea Raider"

(Paramount)

HOLLYWOOD, Aug. 1.—Paramount's "Mystery Sea Raider" is an intensely suspenseful drama of the current naval warfare between Germany and the Allies. Anticipating the war's progress, perhaps, the action is laid in the Caribbean Sea. The plot has to do with Nazi agents chartering an American boat, committing piracy by imprisoning the captain and the crew, and using it as a "mother ship" for a fleet of submarines attacking English and French merchantmen.

The American crew, with the aid of the English and French captains and other officers captured from the sunken vessels, by an ingenious device manage to get warning to a British warship, which sinks the raider.

Carole Landis, Henry Wilcoxon and Onslow Stevens as the romantic interest, the American ship's captain and the chief Nazi agent, respectively, head the cast.

Director Edward Dmytryk obtained a maximum of thrills and suspense in this Eugene J. Zukor production, which is featured with excellent shots, technically speaking, of undersea craft and other ships. E. E. Paramore, Jr., wrote the screenplay, an adaptation of a story by Robert Grant.

While snickering at some of the stilted dialogue and acting, the preview audience nevertheless gave every indication of enjoying the film. The picture makes no attempt to discuss Nazi ideology, but is a straight action melodrama, with emphasis primarily on the action.

Running time, 75 minutes. "G."* VANCE KING

"Laughing at Danger"

(Monogram)

This is a fast-moving melodrama starring Frankie Darro and involving a blackmail plot, murder and suicide. Joy Hodges is featured with George Huston, Kay Sutton, Guy Usher, Manton Moreland and Lillian Elliott in support. The screenplay by George West and John Kraft is from an original story by West. Howard Bretherton directed the Lindsley Parsons production.

The story develops quickly with two murders occurring at the beauty parlor in which Darro is employed. As Miss Hodges is accused, he and Moreland attempt to solve the crimes. Upon being found in the apartment where a patron of the beauty parlor commits suicide, they, too, are thought to be implicated. However, the pair finally discovers the plotters but are subdued in their attempt to bring them to book. Houston, as a detective, and his aides then effect the capture.

The film is interesting.

Running time, 62 minutes. "G."*

**"G" denotes general classification.*

Showmanship Flashes

Elsie Tieups to Aid Release of 'Little Men'

THE tieup possibilities of RKO's film, "Little Men," in which Elsie, Borden's bovine belle from the New York World's Fair, has a place, are the subject of considerable RKO attention. The Borden company and its dealers plan tieups on daily deliveries, brass Elsie badges with reproduced heads of the cow have been widely distributed, and postcards from the Fair have been printed in large quantities.

Ad Manual Ready On "Villain Pursued"

For Harold B. Franklin's RKO release, "The Villain Still Pursued Her," there has been prepared an elaborate advertising manual, designed by Franklin for key city engagements, which outlines various suggested stunts and advertising copy for the film, stressing the novel character of the picture.

Radio Plugs, Caveman Display Aid 'Million'

San Francisco, Aug. 1.—"One Million BC" at the United Artists was aided by a vigorous radio campaign, plus a flash front in which the theatre's entrance was transformed into replica of an early day caveman's abode. The unique display caused considerable comment.

Choose 'Perfect Son' On Small Picture

Freddie Fitzsimmons, pitcher for the Brooklyn Dodgers, recently chosen "the outstanding father in the field of sports," will welcome three "perfect sons" from around the country at the Hotel Astor on Monday. Of the three, one will be selected as the "perfect American son" and will be awarded a four-year scholarship for any preparatory school or university. The award is sponsored by Edward Small, producer of "My Son, My Son," in conjunction with the picture.

Blondes Admitted Free In 'Blondie' Campaign

JANESVILLE, Wis., Aug. 1.—As a plug for "Blondie on a Budget," the Apollo here admitted free the first 50 blondes accompanied by masculine escorts.

Short Subject Reviews

"Information Please, No. 13"

(RKO)

As sprightly and entertaining as its predecessors, No. 13 in the "Information Please" series is certain to please old friends of these subjects and win them new ones.

With Elmer Davis, radio comme[illegible]tor, as guest guesser, the Fadiman-Levant-Kieran-Adams quartet go through their routine without a flaw. This newest addition to the series is bright as a new-minted coin and more amusing than a cageful of simians. Running time, 9 minutes.

"Junior G-Men"

(Universal)

Universal is utilizing the talents of such capable screen veterans as the youthful Billy Halop, Huntz Hall, Kenneth Howell and the "Little Tough Guys" in a 12-episode serial melodrama designed for the weekend matinee audience. If the first three chapters are a criterion, the chapter play has action and suspense. The story concerns "The Order of the Flaming Torch," which attempts to overthrow the Government, the operations of two Federal agents who employ the Junior G-Men to aid them and a rough and ready street gang. Each episode runs about 20 minutes.

"The Bookworm Turns"

(M-G-M)

The Raven and the Bookworm, mental invalid and brain child, respectively, comparatively new to the cartoon field, are involved in a Hugh Harman fable which is moderately amusing. It is highlighted by the presence of a Jekyll and Hyde character. The "doctor" is employed by the Raven to switch his brain with that of the Bookworm. The change is made both mentally and physically, then both are brought back to normal. Running time, 8 mins.

"Cat College"

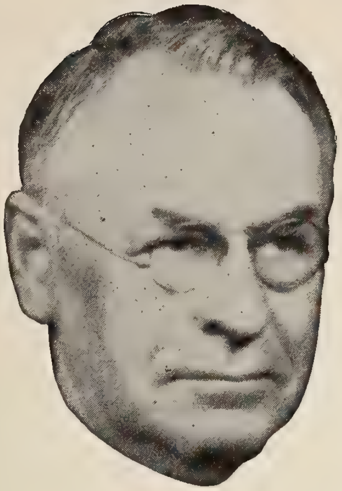
(M-G-M)

Cat College is actually a course in lion taming conducted by Clyde Beatty and his wife at Fort Lauderdale, Fla. A youthful and pretty brunette, Pat English, constitutes the student body as the course is outlined for another Pete Smith Specialty. The subject is thrilling and given more serious treatment than in other Smith shorts, except in the last sequence where Miss English is frightened by a mouse. The short is entertaining and exploitable. Running time, 10 mins.

"Varsity Vanities"

(Universal)

The younger set will be especially pleased as swing dominates this musical, which features "Six Hits and a Miss." Also seen and heard are Peggy Ryan and Buddy Pepper, Ted Arkin, Dennett and Dae, and Martha Tilton. Fern Emmett also is on hand as the prudish school teacher converted into a swing addict. Running time, 18 mins.



F.H. Richardson's
BLUEBOOK of
PROJECTION
PUBLISHED BY
QUIGLEY PUBLISHING COMPANY
NEW YORK · HOLLYWOOD · CHICAGO · LONDON

**There is no substitute
for RICHARDSON
in the projection room**

$7.25
POSTPAID

**Second Revision
Sixth Edition**

•

Trouble-Shooting Charts

•

Alphabetical Index System

•

700 Pages of up-to-the-minute data that every projectionist needs!

THE REVISED BLUEBOOK MOST ADVANCED MANUAL ON MODERN SOUND REPRODUCTION AND PROJECTION

The newly revised Bluebook does a threefold job: (1) it gives a detailed description of the construction, wiring and functioning of every piece of sound and projection apparatus used in a modern projection room. (2) It gives careful instructions on the operation and maintenance of this equipment. (3) It is a quick and effective trouble-shooter with sound trouble-shooting charts that enable the projectionist to spot and repair sudden breakdowns both in the projection and sound apparatus. The new edition is handy to keep and handy to use, with an alphabetical index system for quick, easy reference.

You will find the revised Bluebook the most complete treatise of its kind and a sure solution to every projection problem.

ORDER THE BLUEBOOK NOW

QUIGLEY BOOKSHOP
ROCKEFELLER CENTER, NEW YORK, N.Y.

Radio Revenue In 1939 Was $89,990,646

WASHINGTON, Aug. 1.—Broadcasting revenue in 1939 reached a new high, totaling $89,990,646, which is $9,000,000 above the industry's 1938 income, $79,128,760. The 1939 figures are for 705 stations as compared with 660 stations in 1939, the Federal Communications Commission revealed today.

Major networks also expanded considerably in 1939, showing 397 stations as against 350, in 1938.

NBC, CBS and Mutual, the three principal chains in broadcasting, totaled $22,500,941, in 1939 revenue as compared with $19,645,447, in 1938—an increase of approximately $3,000,000.

There were 519 stations which reported net time sales in excess of $25,000, in 1939. In 1938, there were only 485 stations which reported such net time sales. The total income of the 519 stations which reported these time sales, in 1939, was $80,306,134, compared with $71,082,465, in 1938 for the 485 stations.

Film Talent Stage War Benefit Shows

HOLLYWOOD, Aug. 1.—The newly formed Theatre Guild of Southern California next Monday starts "Tonight at 8:30," Noel Coward series of playlets at the El Capitan Theatre, with proceeds going to the British War Relief Association of Southern California. The casts will be "name" talent drawn from Hollywood and the stage.

Staging will be done under the direction of George Cukor, Edmund Goulding, Dudley Murphy, Robert Sinclair and Margaret Webster, with sets being designed by Robert Edmond Jones.

All British actors and actresses in Hollywood and many others have signified their intention to participate.

Appeal Dismissal

A N. Y. Supreme Court decision against a Consolidated Film Industries minority stockholders' suit will be appealed, according to papers filed. Republic and Setay Co., Inc., are other defendants. The plaintiffs had unsuccessfully claimed that officers and directors had mismanaged the company's affairs.

Mohawk Sets Release

Mohawk Pictures, which is handling 19 former Grand National features, has closed two distribution deals. Imperial and Superior Pictures have bought the group for Illinois, Indianapolis, Wisconsin and St. Louis and Atlantic Pictures has closed a deal for Louisiana and Mississippi.

Adorno Wins Decision

MIDDLETOWN, Conn., Aug. 1.—Middlesex Theatre, Inc., has been denied an injunction by the Superior Court in New Haven restraining the State police commissioner from issuing a permit to Maria A. Adorno for operation of a 900-seat open air theatre here.

Off the Antenna

FORMAL dedication of the studios of WOR's FM transmitter, W2XOR, took place in the tower of 444 Madison Ave. last night with Major Edwin H. Armstrong, inventor of the staticless FM, pushing the button that put the station officially on the air. On a frequency of 43.4 m.c., the station can be heard in an approximate radius of 48 miles from the transmitter building. The transmitter operates on 1,000 watts.

No programs actually originate from the new building but come instead from the WOR studios in Manhattan or Newark. Programs designed especially for FM and not otherwise will originate from the new studio number one in the WOR Manhattan studio building. The programs will be heard full time, with W2XOR using Mutual network programs all day with the exception of one hour daily in the afternoon and one in the evening which will feature special FM programs.

The antenna stands 75 feet above the roof and about 630 feet above sea level. Guests at the dedication were greeted by Sun Road, a full blooded Pueblo Indian, who was on hand to pray for a thunderstorm which would prove the advantages of FM's freedom from static, but no thunderstorm developed. Newspapermen left the demonstration, however, impressed with the noiseless quality of FM.

• • •

As the result of the shifting of many NBC-Blue programs to the Red network last month, the Blue dropped 4.7 per cent of its gross billing during July from the June figure, although it was well ahead of the July, 1939, billings.

The plan, apparently, is to transfer all regular radio accounts to the Red while the Blue attempts to woo magazine and newspaper advertisers to the radio field.

• • •

Purely Personal: *Vita Kane, WNEW assistant program director, and Carmel D'Alessio, receptionist, leave for New England vacations today. . . . Tom Harker, formerly with Edward Petry Co. and Curtis Publishing Co., will join the Mutual sales staff in New York Monday. . . . Abbott & Costello leave for the Coast in about a week to make a film for Universal.*

• • •

President Roosevelt will not be able to participate in the one-hour radio program which will highlight the Broadcast Day at the New York and San Francisco World's Fairs. However, Stephen Early, the President's secretary, will be on hand and will read a message to the industry and the public from the Chief Executive.

Senate Would Quiz Sarnoff On RCA Anti-Trust Suit

(*Continued from page* 1)

committee asked that Sarnoff appear either tomorrow or Tuesday.

An invitation to appear before the committee today was extended to Sarnoff last night but was declined by his representative in Washington because the RCA head was on vacation.

Sen. Tobey alleged that the two Senators, not now members of Congress, were paid to influence a clerk of the Wilmington, Del., Federal Court, who was paid a larger sum than that allegedly received by the Senators to secure the postponement. Sen. Tobey pointed out that Col. Brown had previously testified that the FCC had made no inquiry into the matter when it was aired by Rep. McFarlane in 1938 during an unsuccessful effort to secure a Congressional investigation of the FCC and radio.

Failure of the commission to act was sharply criticized by Chairman Burton K. Wheeler who asserted that charges so serious should have been probed immediately, from motives of "self respect" if nothing else. At the time of the alleged bribery, Col. Brown was chief counsel to the FCC and present FCC Chairman James L. Fly was an assistant in the anti-trust division.

During the discussion, Sen. Wallace H. White brought out the fact that neither House nor Senate had ever authorized a radio investigation, and declared that not only the radio industry but the FCC and "others in high position" opposed it. "They heard their master's voice," Sen Tobey commented.

Sen. Tobey also indicated a desire to inquire into the interests behind radio commentators, asserting that in the present disturbed times, it was important to know whether these speakers were giving their own views or those of persons by whom they were paid.

Possibilities that station WLW, Cincinnati, was seeking restoration of its 500,000-watt license were raised by Sen. Wheeler, who disclosed it had been reported to him that an application was to be filed based on the fact that high power operation would be valuable in the national defense program.

Acquire 3 Italian Films

Esperia Film Distributing Co. has acquired the U. S. distribution rights to three Italian films, "The Carnival of Venice," "The Adventures of Salvatore Rosa" and "The Queen of La Scala."

Alliance Sets Deal

Alliance Film Corp. has closed a deal with Film Distributors Exchange in Portland, Ore., under which the exchange will handle the 10 Alliance feature releases in the Portland-Seattle territory.

July Billings Soar on All Major Webs

Gross billings continued to soar during July for all four major networks, CBS, NBC-Red, NBC-Blue and Mutual. Seven month cumulative figures are far ahead of the first seven months last year and July gross [illegible]ings show substantial increases o[illegible] webs.

CBS showed a 32.7 per cent increase in July over the same month last year with a gross of $3,067,870 as compared with $2,311,953 for July, 1939. It was the 10th consecutive month that CBS gross billings have exceeded the $3,000,000 mark. For the first seven months, CBS grossed $23,525,242, an increase of 22.1 per cent over the same period last year.

For both networks, NBC grossed $3,830,438 in July, an increase of 16.7 per cent over July, 1939, while the first seven-month figure was $28,390,314, up 9.7 per cent. The Red grossed $3,141,902 during July, up 15.8 per cent, and $22,468,748 for the first seven months, up 7.7 per cent. In July, the Blue grossed $688,536, up 20.8 per cent and for the first seven months, $5,921,566, up 18 per cent.

MBS grossed $235,182 during July, an increase of 8.6 per cent. Cumulatively for the first seven months the gross was $2,266,505, up 23.1 per cent.

All figures are before agency and client discounts.

Producers Sets New Program for Season

A program consisting of four specials, 16 features and 18 Westerns has been set by Producers Releasing Corp., franchise owners were informed at a meeting here this week. The program was outlined by Harry Rathner, president, and Sigmund Neufeld, in charge of production.

Franchise holders attending the meeting included Louis Ruttstein, Los Angeles and other West Coast cities; Jack Adams, Dallas and Oklahoma City; Ike Katz, Atlanta, Charlotte and Memphis; Lee and J. Goldberg, Indianapolis, Cincinnati and Cleveland; Abe Fisher, Chicago; Bill Flemion and Ann V. O'Donnell, Detroit; Lew and Milton Lefton, Pittsburgh; George Gill, Washington; Herbert Given, Philadelphia; Bert and Larry Kulick, New York, Albany and Buffalo; Harry Asher, Boston and New Haven. From the home office were Leon Fromkess, in charge of foreign sales; Robert Socas, and O. Henry Briggs, president, Pathe Laboratories.

Rathner will leave next week to conduct regional sales meetings.

Gemmill Joins RCA

Kenneth W. Gemmill, associated for the past five years with the law firm of Mitchell, Taylor, Capron and Marsh, has joined the law department of RCA to handle tax matters.

Mrs. Murray Injured

TORONTO, Aug. 1.—Mrs. W. Gladstone Murray, wife of the general manager of Canadian Broadcasting Corp., has sustained severe injuries as a result of an automobile accident.

DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE
DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 25 NEW YORK, U. S. A., MONDAY, AUGUST 5, 1940 TEN CENTS

Studio Survey Is Under Way for 'M-Day' Call

Army Production Unit Will Have 330 Men

Hollywood, Aug. 4.—Participation by the industry in national defense has taken tangible form here with a six-weeks' investigation into the availability of experts in newsreel production who will hold themselves in readiness for an "M-Day" call.

Conducting the survey is Major Nathan Levinson, head of Warners sound department and commanding officer of the Signal Corps Photographic Laboratory of the United States Army Reserves. In time of war this group will be attached to General Headquarters.

Called into service only in wartime, the unit will consist of 26 commissioned officers and 304 enlisted men.

Among those participating will be: Gordon Mitchell, manager of the Research Council of the Academy of M. P. Arts & Sciences, as adjutant; Sam Briskin, Columbia production executive, in an administrative and editorial post, and Bryan Foy, Warner producer; Ray Enright and Eddie Sutherland, directors, and Byron Haskin, head of the Warner laboratories. These, among others, have filed applications for admission to the unit.

The move for Hollywood's cooperation with the Army was started recently at a meeting attended by company and production executives and ranking Signal Corps officers from Washington.

Theatres to Stage Red Cross Drive

All theatres in the United States will be asked to enlist in this year's American Red Cross campaign. The organization's proposal for theatre participation in the roll call and membership drive was approved Friday by the industry theatre committee on cooperation with the Red Cross. The campaign will start Nov. 11.

Regional and city committees will be organized to coordinate and cooperate with local Red Cross chapters, said L. E. Thompson of RKO, committee chairman.

Peace With 'Big 4' Up to Kent; Three Firms Concur

20th Century-Fox Chief Arrives Today to Act On Decree; Paramount Non-committal; U. S. May Act Against Others

By SAM SHAIN

Whether an armistice will be declared between the Government and the defendant film companies in the New York anti-trust suit today rests with Sidney R. Kent, president of 20th Century-Fox. Loew's, RKO and Warner Bros. gave their answers for peace on Friday. At a joint session of company representatives and officials of the Department of Justice, these three firms, which constitute the peace block within the defense ranks, were described as favoring in principle the terms of settlement thus far proposed. Paramount gave no answer.

Kent's answer is expected by Wednesday. The 20th Century-Fox chieftain returns today from Maine. Also returning to the city today are Attorney Joseph Hazen and Joseph Bernhard, head of Warner Bros. Theatres. They have been in Hollywood conferring with Harry M. Warner, company president.

S. R. Kent

Should 20th Century-Fox concur with Loew's, RKO and Warner Bros., the Government thereby obtains a balance of power, which will strengthen its hand in any move it may make to get the isolationist companies into line.

A "good enough" escape clause has been proposed. Otherwise, only Section 6 has been altered in any important manner, spokesmen state. Section 6 deals with discrimination in selling and has been tightened. The arbitration clause has not been prepared as yet. The sections dealing with trade showings and unit selling in blocks of five are unaltered, it is claimed.

The new escape clause is said to be one which satisfies the peace block sufficiently to induce them to consider accepting the peace terms which are offered. They hope that it will satisfy 20th Century-Fox, too.

The principal virtue contained in this clause, spokesmen assert, is that the defendant distributors may resume status quo standings under certain conditions.

The main provisions of this proposal are interpreted as follows:

(a) A defendant distributor,

(*Continued on page 4*)

W. B.'s 'Sea Hawk' Trade Show Today

Hundreds of exhibitors today will be the guests of Warner Bros. at the company's national trade showings of "The Sea Hawk," which will be screened in selected theatres in the exchange centers in the United States and Canada.

Gradwell Sears

The purpose is to consider the feasibility of raising admission scales for the exhibition of this film. Following the screenings, discussions have been scheduled between exhibitors and Warner branch executives.

A feature of the trade show is the presentation of a trailer address

(*Continued on page 7*)

Approval Seen for British Film Pool

London, Aug. 4.—Government approval of an industry plan to establish a wartime pool of film talent, technicians and labor is expected in the near future. The move is expected to facilitate production and studio operations to a considerable extent.

Backed by producers and labor, the plan was presented last night to Minister of Labor Bevin who expressed his approval of its aims and referred it to authoritative quarters for early action.

The plan aims to establish a joint committee of trade and official representatives to advise on deferment of military mobilization of workers essential to the industry and to make recommendations on extensions of age classifications in mobilization of strategic workers in fields associated with the industry. Technicians and artists included in the pool would be available on an exchange basis to accredited producers.

F.D.R. or Willkie? Newsreel Houses Polling Patrons

NEWSREEL THEATRES, INC., are conducting a poll to determine the preference of patrons for the two major presidential candidates at its three newsreel houses in Manhattan and one in Newark. The balloting, which was conducted all last week at the Embassy, Broadway and 46th St., and the Rockefeller Center house shows Roosevelt leading by more than than five-to-one at the Embassy but trailing Willkie by two-to-one at the Center. The other houses will join the elections today.

The voting is restricted to paid patrons over voting age. Patrons express their preference by selecting either a Willkie or Roosevelt campaign button. Employes are instructed that patrons are to take only one button.

W. A. Steffes Denies He Favors New Group

Minneapolis, Aug. 4.—W. A. (Al) Steffes, former president of Allied Theatre Owners of the Northwest, denied today in a letter to E. R. Peaslee, recently elected president of the organization, that he is interested in promoting a new exhibitor organization in opposition to the Allied group.

Steffes expressed the fullest confidence in the ability of the present officers and will continue to support the organization with his membership.

Seek Sunday Show Law in Harrisburg

HARRISBURG, Pa., Aug. 4.—Exhibitors here have organized a drive to legalize Sunday performances in this city. Under the State local option law, each community may vote on the question each five years. In 1935, Sunday performances were defeated by a vote of 19,710 to 9,120. A petition with 1,506 signatures is required to place the issue on the ballot in November.

C. Floyd Hopkins, local representative of the Wilmer & Vincent circuit, is chairman of the committee of exhibitors.

Publicists' Guild Claims 230 Members

New York Screen Publicists Guild claims membership of 230 with the admission last week of 46 new members, prior to the Aug. 1 deadline calling for an initiation fee for those joining after that date.

The SPG claims the New York publicists' field now is "almost completely organized." Plans are being made for organization of an associate division of the Guild for free-lance and part-time publicists and field exploiteers.

A meeting at which will be adopted a constitution for the joint organization of the New York and Hollywood publicist guilds has been tentatively set for Aug. 21 on the Coast. Three delegates from the New York group will attend.

Personal Mention

S. BARRET McCORMICK, RKO advertising and publicity director, and JACK PEGLER of Lord & Thomas are scheduled to arrive from the Coast today after a two weeks' visit at the RKO studio.

•

TYREE DILLARD, Loew's home office attorney, is expected back from vacation tomorrow.

•

JOSEPH M. MOSKOWITZ of 20th Century-Fox is due back from the Coast the middle of this month.

•

AL DAFF, Far Eastern manager for Universal, left for Montana over the weekend to visit relatives and will continue to the Coast en route back to his Tokyo headquarters.

•

C. C. PETTIJOHN, M.P.P.D.A. general counsel, and MR. and MRS. CHARLES PETTIJOHN, JR., will leave for the Coast by plane today, after having postponed their departure from Friday.

•

EARLE W. HAMMONS is expected in New York from the Coast today.

•

HARRY GOLDBERG, Warner Theatres director of advertising and publicity, is vacationing on his farm in Bucks County, Pa.

•

MRS. T. J. CONNORS, wife of the M-G-M Eastern and Southern division manager, and daughter, KATHERINE, return today from a South American cruise.

•

DAN KELLY, Universal producer, is in New York from the Coast.

COLONEL WILLIAM J. DONOVAN, RKO counsel in the Government anti-trust suit, was scheduled to arrive from Europe by Clipper over the weekend after completing a confidential mission in London.

•

WILLIAM PAVONE of National Theatre Supply Co., New Haven, will be married to MURIEL BRODERICK today. PAVONE is the son of JOHN PAVONE, Universal salesman. The couple plan to honeymoon at Virginia Beach.

•

NAT RUBIN, Loew-Poli, New Haven, assistant manager, leaves today for a fishing trip in Nova Scotia.

•

JOSEPH CALECHMAN, assistant manager at the Howard, New Haven, is on vacation in Maine.

•

NAT SANDERS, vice-president of Leo Films, Inc., left Sunday for Toronto, Montreal and Quebec.

•

LILLIAN SANDERS is on a two-week vacation at Livingston Manor, N. Y.

•

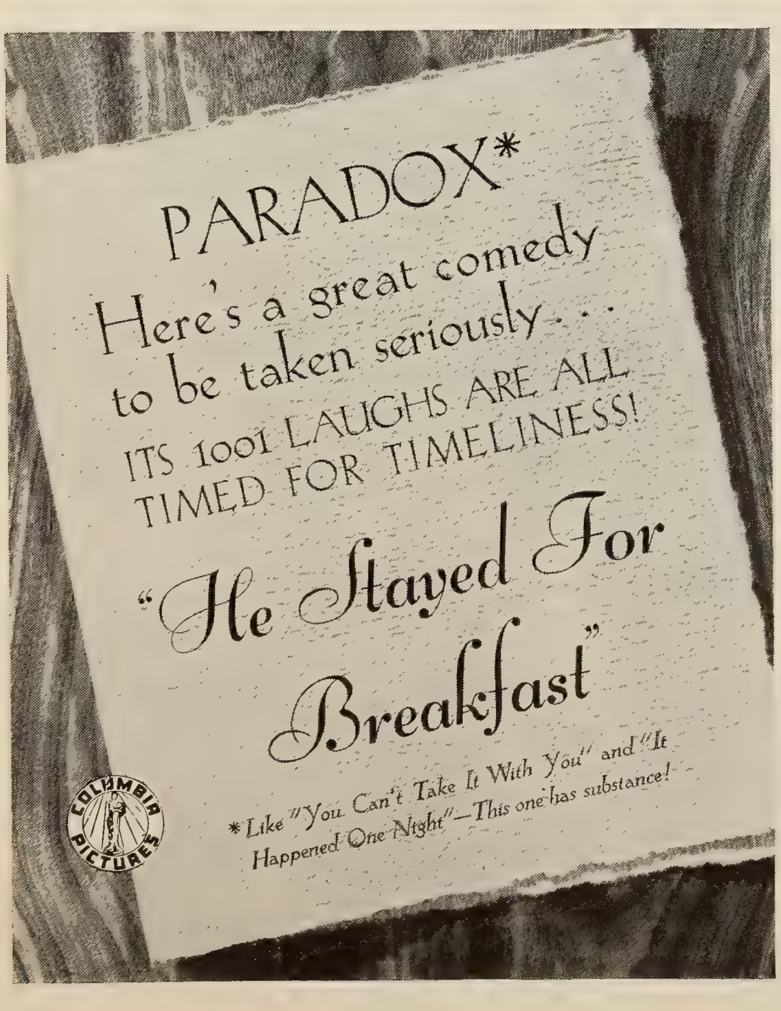
BEATRICE GELBER, secretary to JOSEPH H. HAZEN of Warners, left over the weekend for a deep sea fishing trip off Camden, Me.

•

KEITH CAUDLE, relief manager for the Wilmer & Vincent theatres, Richmond, Va., and DOROTHY GIBSON have announced their engagement.

•

ANN ROSE of the Paramount exchange in Des Moines is vacationing in Springfield, Ill. JAMES FOLEY of the exchange is fishing in Minnesota.


PARADOX*
Here's a great comedy to be taken seriously . . .
ITS 1001 LAUGHS ARE ALL TIMED FOR TIMELINESS!
"He Stayed For Breakfast"
*Like "You Can't Take It With You" and "It Happened One Night"—This one has substance!
COLUMBIA PICTURES

Final Kent Drive Meeting Held Here

The final meeting of a series held in 20th Century-Fox branches throughout the country in conjunction with the S. R. Kent sales drive, was held Friday at the New York exchange. The drive begins Aug. 11 for 18 weeks.

M. A. Levy, Minneapolis branch manager and leader of the drive, and Roger Ferri, editor of the company's house organ, *The Dynamo,* conducted the sessions. Speakers at the New York meeting included Walter J. Hutchinson, director of foreign distribution; William Sussman, Eastern sales manager; Harry H. Buxbaum, Metropolitan district manager, and Levy.

Dobie Suit Against Warners Dismissed

LONDON, Aug. 4.—The damage action of David Dobie, former sales manager for First National Pictures here, against Warners was dismissed yesterday and court costs were awarded to Warners.

Dobie's action was an outgrowth of the Warner-First National amalgamation. It charged that he had been dismissed without cause following the merger. The court ruled that an agreement signed by Dobie in 1932 entitled his employer to terminate his services with one week's notice.

'Ramparts' at Hall Aug. 22

"The Ramparts We Watch," March of Time-RKO film, will open Aug. 22 at the Radio City Music Hall.

Court in Drive-in

Columbus, O., Aug. 4.—Common Pleas Judge Leach and three attorneys "held court" at the Riverside Auto Theatre and visited nearby residents to determine whether the sound was of sufficient volume to disturb the sleep of neighbors, in an injunction suit. Later the case was postponed on assurances that engineers were trying to subdue the sound.

$230,182 Judgment Against W. B. Firm

SANDUSKY, O., Aug. 4.—Seitz Theatre Co. has been awarded judgment of $230,182 by Judge E. H. Savord against General Theatre Co., a Warner subsidiary, for alleged breach of a lease on a theatre building.

The Seitz company leased the building to a predecessor of General Theatre Co. in 1928 for 15 years at a total rental of $372,000. In 1933 the tenant was allegedly evicted and the theatre was leased at a lower rental to a new tenant. The judgment represents the difference between the two rentals plus interest.

Charles V. Martina Adjudged Bankrupt

BUFFALO, Aug. 4.—Charles V. Martina, part owner until March 1 of the Martina Circuit of 12 theatres in upstate New York, has been adjudged a bankrupt by Federal Judge John Knight here. Jacob Ark has been appointed receiver and Warner F. Thompson referee to conduct hearings.

The Fonda-Austin Construction Co., which claims to have made alterations at the Empire, Syracuse, with allegedly $7,983 due on a bill of $13,837, filed a petition in involuntary bankruptcy.

Helprin to Coast; Conferred on 'Thief'

Morris Helprin, production assistant to Alexander Korda, will leave for the Coast by plane today after conferring here on campaign plans for "The Thief of Bagdad," new Korda production to be released Sept. 27.

Katherine Locke, actress, who is Mrs. Helprin, will leave for the Coast in about two weeks.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Ask Anyone at the Trade Show Today!

Warners' 'Sea Hawk' Is Warners' Biggest!

ERROL FLYNN in 'THE SEA HAWK' with BRENDA MARSHALL • CLAUDE RAINS • Donald Crisp • Flora Robson • Alan Hale • Directed by MICHAEL CURTIZ

Peace With 'Big 4' Up to Sidney Kent

(*Continued from page* 1)

if sustaining a loss in business amounting to 5 per cent, at any time between the effective date of the decree and June 1, 1942, or who can prove evidence of impracticability, because of restrictions imposed by the decree, has the right to seek relief from the Federal Court, and ask that the decree be made inoperative in its behalf.

(b) After a set time limitation the right to invoke the escape clause would be forbidden.

(c) The Government, for the first 12 to 18 months during which the decree would be in operation, would agree not to seek supplementary legislation giving statutory effect to its provisions. This is intended to protect signatories who might wish to seek to invoke the escape clause before the provisions are made into law.

Three methods are asserted to be open to the Government to complete its program:

(a) By inviting the non-peace companies to join voluntarily in the decree move.

(b) By sponsoring supplementary legislation in Congress making the newly contemplated order applicable to all.

(c) By proceeding to trial against the hold-out companies.

Officials aver that by whichever method the Government will pursue to bring the hold-out companies under the pact, the operations of the consent decree will probably remain inoperative or suspended against the signers of the pact, until any such move against the hold-out companies is successfully prosecuted.

The decree will not become effective until the 1941-'42 season, beginning as of Sept. 1, 1941. Thus the 1940-'41 season, as well as the current season will be exempt from the newly contemplated decree rules. The industry, in this manner, will obtain a full year for adjustment in preparation to meet the new conditions.

As to exhibitor hearings on the decree, the Government so far has not set a date. Some believe, however, that it may be called any time after the 20th Century-Fox company shall have assented in principle to the decree.

Mexican Court Stops Tax

MEXICO CITY, Aug. 4.—Exhibitors in Pachuca, near here, have obtained a court injunction against the doubling of taxes by the municipal government. The exhibitors told the court that the higher imposts would absorb all the profit.

'Skylark' Leads Set

HOLLYWOOD, Aug. 4.—Claudette Colbert and Ray Milland will have the leads in Paramount's "Skylark," from the Samson Raphaelson play, which Mark Sandrich will produce.

Hollywood Review

"The Lady in Question"

(*Columbia*)

HOLLYWOOD, Aug. 4.—Unique in story and development of the same, expertly produced by B. B. Kahane and directed with great skill by Charles Vidor, this attraction affords substantial entertainment for the adult consumer of entertainment. Polished performances by Brian Aherne, turning in a magnificent character portrayal, Irene Rich, Curt Bois and Rita Hayworth contribute much to the sum of an acting job requiring unusual display of talent. Glenn Ford, George Coulouris, Lloyd Corrigan, Evelyn Keyes, Edward Morris and Frank Reicher are seen in support that is uniformly effective.

Scene of the story is a city, possibly Paris, in the France of before the war, which is not mentioned. Hero is a French shop-keeper who, serving as juror in the trial of a young woman accused of murdering a young man alleged to have been supporting her, is instrumental in securing her acquittal. Later, his sympathies touched, he takes her into his employ and his home under an assumed name to enable her to re-establish herself economically. His son, who recognizes her, keeps her identity secret from his mother and learns to love her but orders her from the house when he mistakenly believes his father has improper motives for interest in the girl. Other complications, none of them the usual ones, arise before the wife, learning the truth and understanding her husband's charitable intentions, clears the way for a happy ending. Emotions involved and portions of dialogue are a bit too mature for the juvenile trade.

The story, by Marcel Achard, was put in screen play form by Lewis Meltzer. Humor has been liberally employed without cost to the serious content of the film.

Running time, 76 minutes. "A."* ROSCOE WILLIAMS

"A" denotes adult classification.

Metro Gets Song Scoop In 'Ballad for Americans'

HOLLYWOOD, Aug. 4.—Metro has obtained a musical scoop with the acquisition of "Ballad for Americans," for use in "Babes on Broadway," forthcoming MICKEY ROONEY-JUDY GARLAND vehicle. Written by EARL ROBINSON and JOHN LATOUCHE, the song was sung by PAUL ROBESON on NORMAN CORWIN'S "Pursuit of Happiness" program on CBS and immediately became widely popular. It will be the principal song in the picture . . . EVELYN KEYES and GLENN FORD, being groomed for stardom by Columbia, will support the "Blondie" regulars in "Blondie Goes to the Country" . . . Republic is seeking DENNIS O'KEEFE for three pictures a year.

• •

"The Shepherd of the Hills," WILLIAM LE BARON'S *Paramount production of the* HAROLD BELL WRIGHT *story, which* HENRY HATHAWAY *will direct, will be in color . . .* CLARK GABLE *has been pencilled in for the title role of M-G-M's "Osborne of Sing Sing."* KING VIDOR *will direct the* JOHN W. CONSIDINE, JR., *production . . .* HELEN PARRISH *and* DENNIS O'KEEFE *will support* KAY KYSER *in "You'll Find Out" for RKO . . .* GEORGE SANDERS *has been cast for "Bittersweet," M-G-M . . .* NOREEN GAMMILL, *radio actress, makes her film debut in a featured role in "Flotsam," Loew-Lewin production for United Artists.*

• •

Edward Killy will direct the first two Tim Holt westerns, "Wagon Train" and "Fargo Kid," at RKO . . . That studio has taken up its option on a second picture featuring Fay Wray . . . Sidney Blackmer and Halliwell Hobbes join the cast of M-G-M's "Third Finger, Left Hand" . . . Chris-Pin Martin has been set for "Charter Pilot," Jane Darwell for "Chad Hanna," Doris Bowdon and Virginia Gilmore for "Jenny," formerly "Heil Jennie," and Charlotte Greenwood in "Her Honor the Mayor," all at 20th Century-Fox.

• •

NORMAN FOSTER *will write the script for 20th Century-Fox's "Last of the Duanes," from the Zane Grey story . . .* SAM WOOD *is trying to borrow* ROBERT MONTGOMERY *from M-G-M to co-star with Ginger Rogers in RKO's "Kitty Foyle" . . .* JOHN SUTTON *is due for a term contract at 20th Century-Fox . . .* GEORGE TOBIAS *will get co-starring billing with* DENNIS MORGAN *in "River's End," Warners. He is appearing simultaneously in "Calling All Husbands" and "East of the River," now shooting at that studio.*

• •

WALTER BRENNAN will play the role of AL JENNINGS in BORIS MORROS-ROBERT STILLMAN'S production of "The American Vagabond," Paramount . . . Universal's "Hired Wife," is the 100th picture WILLIAM SEITER has directed since he quit grease paint and started direction . . . Warners have renewed the options of DENNIS MORGAN, LUCILE FAIRBANKS and WILLIAM ORR . . . Paramount has assigned Mary Martin in her first dramatic role in "New York Town," an original by JO SWERLING . . . JEROME COWAN will play the part of a gambler in Paramount's "The Roundup," HARRY SHERMAN production . . . JAMES BARTON will be in Paramount's "Shepherd of the Hills."

'Daltons' Two Time Smash in Los Angeles

LOS ANGELES, Aug. 4.—"When the Daltons Rode," double-billed with "You Can't Fool Your Wife," was the top grosser this past week in two houses, drawing a smash $9,200 at the Hillstreet and $8,800 at the Pantages. "The Mortal Storm" in its second week at the 4 Star was strong with $6,850.

Estimated takings for the week ending July 31:

"Gold Rush Maisie" (M-G-M)
"Sporting Blood" (M-G-M)
CHINESE—(2,500) (30c-75c) 7 days. Gross: $9,200. (Average, $12,500)

"The Mortal Storm" (M-G-M)
4-STAR—(900) (40c-55c) 7 days, 2nd week. Gross: $6,850. (Average, $3,250)

"When the Daltons Rode" (Univ.)
"You Can't Fool Your Wife" (RKO)
HILLSTREET—(2,700) (30c-65c) 7 days. Gross: $9,200. (Average, $6,500)

"Gold Rush Maisie" (M-G-M)
"Sporting Blood" (M-G-M)
LOEW'S STATE—(2,500) (30c-75c) 7 days. Gross: $10,300. (Average, $14,000)

"When the Daltons Rode" (Univ.)
"You Can't Fool Your Wife" (RKO)
PANTAGES—(3,000) (30c-65c) 7 days. Gross: $8,800. (Average, $7,000)

"Untamed" (Para.)
PARAMOUNT—(3,595) (30c-65c) 7 days. Stage: F. & M. revue, Wingy Manone and his orchestra. Gross: $14,000. (Average, $18,000)

"They Drive by Night" (W. B.)
"Scatterbrain" (Rep.)
WARNER BROS. (HOLLYWOOD)—(3,000) (30c-65c) 7 days. Gross: $10,094. (Average, $14,000)

"They Drive by Night" (W. B.)
"Scatterbrain" (Rep.)
WARNER BROS. (DOWNTOWN)—(3,400) (30c-65c) 7 days. Gross: $10,485. (Average, $12,000)

Torrid Wave Downs New Haven Grosses

NEW HAVEN, Aug. 4.—The continuing torrid spell ruined opening days and Saturday business. Although Sunday, Tuesday and Wednesday grosses rallied somewhat, the first runs were about $6,000 below average in total business. "Untamed" and "I Can't Give You Anything But Love, Baby" at the Paramount fared best, but was still $500 below the usual take.

Estimated takings for the week ending Aug. 1:

"Sporting Blood" (M-G-M)
"Sailor's Lady" (20th-Fox)
COLLEGE—(1,499) (28c-39c) 7 days. Gross: $1,800. (Average, $2,700)

"South of Pago Pago" (U. A.)
"Over the Moon" (U. A.)
LOEW-POLI—(3,040) (39c-55c) 7 days. Gross: $5,600. (Average, $8,000)

"Untamed" (Para.)
"I Can't Give You Anything But Love, Baby" (Univ.)
PARAMOUNT—(2,348) (39c-55c) 7 days. Gross: $3,500. (Average, $4,000)

"All This, and Heaven Too" (W. B.)
"Saps at Sea" (U. A.)
ROGER SHERMAN—(2,200) (39c-55c) 7 days. Gross: $2,900. (Average, $5,000)

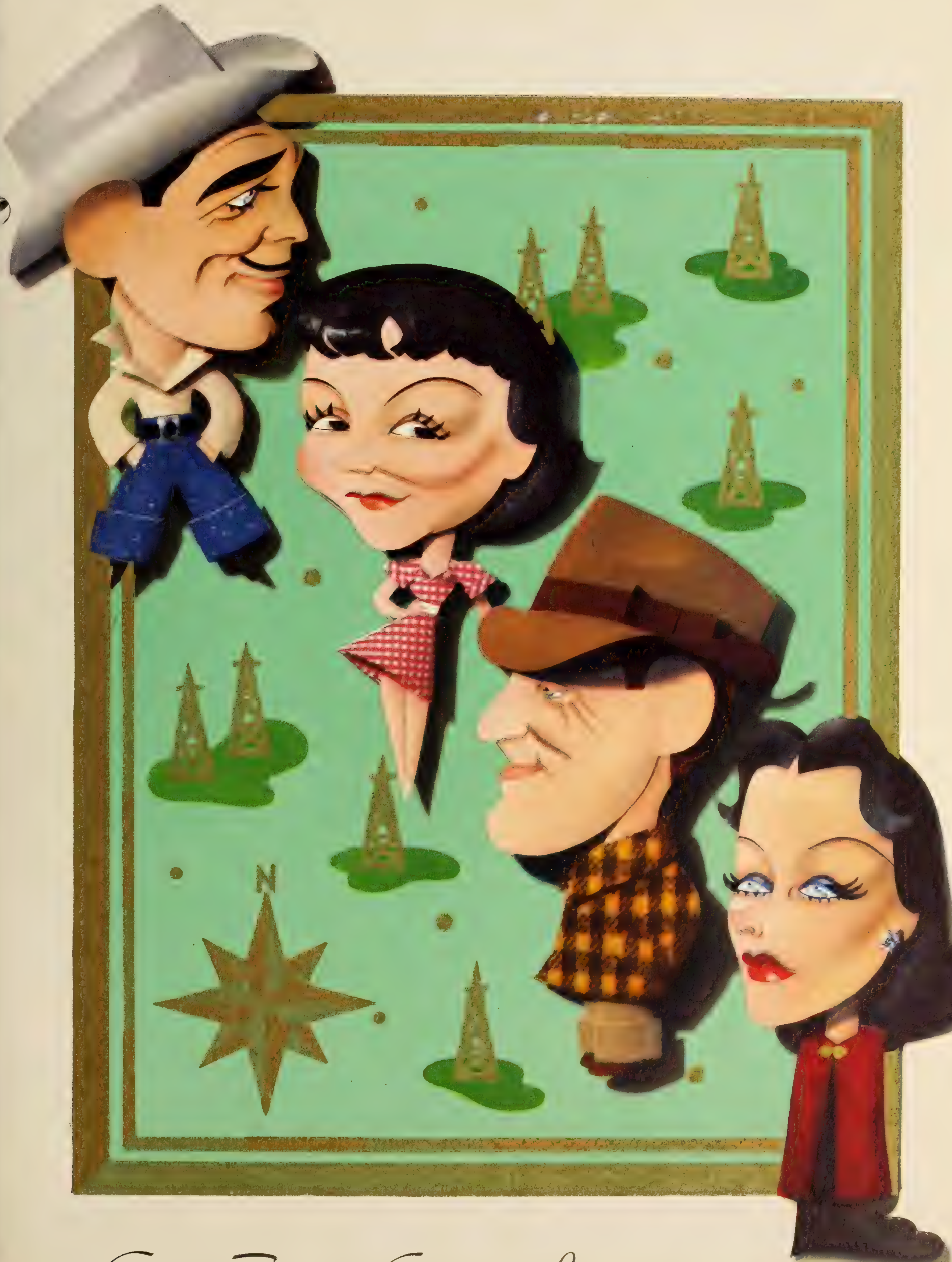
Edwards With Alliance

Sol Edwards, formerly sales manager for Fine Arts and Eastern sales head of Grand National, has been appointed Eastern sales manager of Film Alliance of the U. S.

To Trade Show 'Howards'

HOLLYWOOD, Aug. 4.—Columbia officials are making plans for national trade showings of "The Howards of Virginia" to exhibitors in all key cities. Dates have not been set yet.

—Imagine! All in One Picture!



Gable, Tracy, Colbert, Lamarr!

CLARK GABLE
in "BOOM TOWN"

SPENCER TRACY
in "BOOM TOWN"

CLAUDETTE COLBERT
in "BOOM TOWN"

HEDY LAMARR
in "BOOM TOWN"

A FORTUNE
in "BOOM TOWN"
(It's Four Pictures in One!)

Screen Play by John Lee Mahin • Based on a Story by
James Edward Grant • Directed by JACK CONWAY
Produced by SAM ZIMBALIST • An M-G-M Picture

Short Subject Reviews

"Corralling a Schoolmarm"

(RKO)

This is a pleasant musical featuring Ray Whitley and the "6 Bar Cowboys." Many Western songs rendered by the group are mixed with a light [illegible]t adequate story, which centers [illegible]bout a little school house. Whitley is a shy singing cowboy employed with the others to entertain the students. In John Alden fashion he proposes to the teacher, Virginia Vale, for his boss, Lasses White. After complications, Whitley and Miss Vale become engaged. Running time, 20 mins.

"Donald's Vacation"

(Disney-RKO)

Appropriate to the season, Donald Duck takes a vacation, and the results make for an extremely funny cartoon. Having pitched camp, first he has difficulty with a folding chair. This being mastered, a group of chipmunks appears on the scene and his food begins to disappear. In pursuit of the chipmunks, he runs into a huge bear. It's a continuation of laughs from start to finish. Running time, 8 mins.

"Streamlined"

(RKO Pathe)

The modern railroad is the subject of this "Reelism." Scenes aboard the coast-to-coast and Florida-to-New York streamliners are on view with emphasis on the scenic background and the comfort and speed of the trains. Frank Donavan produced. Running time, 9 mins.

"Spoils of Conquest"

(March of Time-RKO)

In view of Japanese and German aspirations, March of Time has struck on a highly significant phase of current events as it gives a splendid study of the coveted possession of Nazi-occupied Holland, the Netherland East Indies.

The film vividly explores the vastly rich natural resources, native occupations and military strength of the islands. In contrast to this, the situation in the mother country is described. Japanese spokesmen voice intention of taking possession of the islands. In conclusion, the U. S. fleet is shown at the Philippines. Running time, 17 mins.

Warners Sponsor Play

Warners will present a play, "Jupiter Laughs," by A. J. Cronin at the Biltmore Sept. 9. No cast has been signed with the exception of Alexander Knox. Reginald Denham will direct.

Dean Rundle Dead

OWEGO, N. Y., Aug. 4.—Dean Rundle, former manager of the Tioga here, and a former partner of the late M. E. Comerford, is dead here after a long illness.

Levey Buys 'Hellzapoppin'

Jules Levey, head of Mayfair Prod., releasing through Universal, has closed a deal for the screen rights to "Hellzapoppin."

Exhibitors See 'Sea Hawk' At Trade Showings Today

(Continued from page 1)

from the screen of each theatre by Gradwell L. Sears, general sales manager of the company. This trailer was programmed to precede the trade showings.

In New York City, the screening was to be held at the Normandie, on E. 53rd St., at 10 A. M.

Among those invited to attend were: Max Cohen, Cinema Circuit; Samuel Rinzler, Louis Frisch, of the Randforce Circuit; John O'Connor, Fred Meyers, Max Fellerman, of RKO Theatres; Fred Schwartz, Sam Goodman, of the Century Circuit; Al Suchman, Consolidated; Harry Brandt, William Brandt, of the Brandt Circuit; Si Fabian, Sid Deneau, Fabian Circuit; Jack Hattem, Interboro; Eugene Picker, Loew's; George Skouras, William White, John Benas, Skouras Theatres; Gus Eyssel, Radio City Music Hall; Irving Lesser, Roxy; Charles Moses, Staten Island; Frank Danis, Don Jacocks, Warner Bros. Theatres.

The list of exhibitor guests in some of the other cities follow:

Albany

Moe Silver, Max Friedman, Harold Smakwitz, Lou Golding, Joe Shure, Sol Ullman, Henry Frieder, Henry Grossman, George Lunch, William Kraer, M. J. Kallet, Sid Kallet, William Smalley, Ed Dodds, William Benton, Frank Williams, Mitchell Conery, Harvey English, Irving Barker, Joe Sternberg, Frank Weiting, George Thornton, John Gardner, Sid Blore, Neil Hellman, Charles Wilson, A. Stone, V. Sweet, Robert Yates, Alec Papayanakos. Screening at Madison Theatre. Branch manager, P. S. Krumenacker.

Atlanta

Col. Arthur Lucas, William K. Jenkins, E. E. Whitaker, Lucas Jenkins Theatres; R. B. Wilby, J. H. Harrison, Wilby Theatres; R. E. Martin, Hugh Martin, E. D. Martin, A. E. Adams, Martin Theatres, Columbus, Ga.; Tony Sudekum, K. C. Stengel, Mrs. Mary Brockett, Crescent Amusement, Nashville; W. R. Lynch. Screening at Rhodes Theatre. Branch manager, R. L. McCoy.

Boston

Eddie Ansin, Harold Stoneman, Ted Fleisher, Alden Peterson, Charles Morse, E. M. Loew, Phil Berler, Ralph Snider, Larry Herman, Max Levenson, Joe Levenson, Ben Rosenthal, Peter Latchis, Spero Latchis, Fred Lieberman, Phil Smith, Kenety Forkey, Ben Werlansky, Stanley Sumner, Nathan Yamins. Screening at Uptown Theatre. Branch manager, Norman J. Ayers.

Buffalo

Vincent R. McFaul, General Manager Shea Theatres; Robert Murphy, booker; Nicholas Basil, Spencer Balser, Basil Circuit; Nicholas Dipson, William Dipson, 20th Century Theatre; Harry Goldsmith, Schine booker; Mr. and Mrs. Gammel, Gammel Circuit. Screening at Shea's New Niagara Theatre.

Chicago

John Balaban, B. & K. Circuit; Harry Balaban, Elmer Balaban, H. and E. Enterprises; Lou Reinheimer, Reinheimer Circuit; Jack Miller, Simansky Miller Circuit; Jack Rose, Illinois Indiana Circuit; Joe Stern, Stern Circuit; Edwin Silverman, Emil Stern, S. & S. Circuit; S. J. Gregory, Jim Gregory, Alliance Theatre Circuit; Mort Goldberg, GCS Circuit; Arthur Schoenstadt, Henry Schoenstadt, Schoenstadt Circuit. Screening at Esquire Theatre. Branch manager, T. R. Gilliam.

Cleveland

William Tallman, Ceramic Theatre, East Liverpool; Harold Raives, Schine Booker; Meyer Fine, Associated Theatres; Abe Kramer, Associated Theatres; Max Lefkovich, Sam Greenberger, Community Theatres. Screening at Colony Theatre.

Dallas

R. J. O'Donnell, Interstate Circuit; Julius Gordon, Harold Robb, Ed Rowley, C. V. Jones, R. E. Griffith, Oskar Korn, J. G. Long, H. A. Cole, Henry Hall, H. S. Leon, P. V. Williams, Rufus Layton. Screening at Melrose Theatre. Branch manager, Doak Roberts.

Denver

H. E. Huffman, Bob Garland, Bernie Hynes, Fox Intermountain Theatres; T. B. Noble, Larry Strasmore, Westland Theatres; C. R. Gilmour, Gibraltar Enterprises; C. U. Yeager, Atlas Theatres.

Des Moines

G. Ralph Branton, Joe Deitch, Tri-State Theatres; Don West, Harry Warren, Central States Theatres; S. R. Peake, Maquoteka, Ia.; A. B. Pettit, Winterset, Ia.; R. E. Pratt, Washington. Screening at Roosevelt Theatre. Branch manager, A. W. Anderson.

Detroit

Earl J. Hudson, United Detroit Theatres; Edward Beattie, Butterfield Theatres; Edward Hyman, J. O. Brooks, Carl Buemerle, Lew Wisper, Frank Wetsman, Ben and Lou Cohn, William London, Alex Schreiber, James Ritter, William Schulte, Paul Schlossman, Lee Ward, Ray Branch. James Olsen, William Hewitt, C. R. Beech-Screening at Michigan Theatre. Branch manager, F. E. North.

Indianapolis

Frank Reimer, Ft. Wayne; Art Clark, Bloomington; Ken Collins, Art Baker, Oscar Kuschner, Tom Baker, Al Blocher, A. C. Zaring, Eddie Zeyen, John Servas, Ernie Miller, George Settos, Willie Rosenthal, Ben Sogolowsky, Earl Cunningham, Carl Niesse, all of Indianapolis. Screening at Cinema Theatre. Branch manager, Fred Greenberg.

Philadelphia

Ted Schlanger, Lester Krieger, Jay Emanuel, Lewen Pizor, Ben Amsterdam, I. Epstein, Sablosky Brothers, Sid Samuelson, J. Fred Osterstock, C. Floyd Hopkins, John Nolan, John Roberts. Screening at Uptown Theatre.

Pittsburgh

John Harris, Harris Amusement Co.; Harry Kalmine, Warner Bros. Circuit; John Osborne Wheeling, Ray Allison, Allison Circuit; Mike Manos, Manos Circuit; Vernon Scott, Scott Circuit; Blatt Brothers, Blatt Circuit; Mervis Brothers; L. Houghton, Kayson Circuit. Screening at Warner Theatre. Branch manager, Harry Seed.

St. Louis

Mrs. Grace Rodgers, Rodgers Circuit; S. E. Pirtle, Pirtle Circuit; Herman Tanner, Tanner Circuit; Fred Souttar, John Meinardi, Fox Midwest Theatres; Johnny Giachetto, Dominic Frisina, Bill Feldstein, Frisina Amusement Co. Circuit; Steve Farrar, Egyptian Theatre Circuit. Screening at West End Theatre. Branch manager, Hall Wash.

Los Angeles

Lou Halper, Ben Wallerstein, Carl Walker, Milton Arthur, Harry Nace, Lou Metzger, Roy Hunt, Charles Alden, Jack Leo, Al Hanson, Dick Lemmuchi, Harry Popkin, Jack Berman, Harry Vinnicof, Bob Whitson, Herman Lewis, Dave Bershon, Jimmy Edwards, Mike and Abe Gore. Screening at Boulevard Theatre.

Memphis

M. A. Lightman, Malco Circuit; David Groskind, Malco booker; Clayton Tunstill, Owensboro, Ky.; J. R. McEachron, Jackson, Tenn.; Clyde Smith, Hot Springs, Ark.; Ollie Brownlee, Ft. Smith, Ark.; M. S. McCord, Malco secretary-treasurer; M. J. Pruniski, North Little Rock. Screening at Ritz Theatre.

Theatres in Britain Get Concessions

By AUBREY FLANAGAN

LONDON, Aug. 4.—British exhibitors who have had to close down in certain evacuated and protected areas on the coast will be treated leniently if they have to cancel contracts. The Kinematograph Renters Society has agreed on their right to do so.

Further, the distributors will operate a spreadover system of payments in the case of hardship preventing an exhibitor from discharging his debts at once. K. R. S. will collect monies owing for rentals from these exhibitors in installments and will apportion the money to members in appropriate measure. Cinematograph Exhibitors Association branches have been advised to make their own district arrangements for hard hit members directly with K. R. S.

Although plans have not yet been completed on national lines to create film reserves for local use in any emergency, some English areas have not been inactive. In the Lancashire area, the renters have created a dump where enough films are already stored to cover many weeks' needs. In the Manchester district, 4,000 prints of some 500 features are in cold storage, as well as many shorts. There is also an emergency depot outside the city.

Every picture house also has a standby program ready with another in reserve. In the Sheffield branch area in Yorkshire, standby programs have been agreed upon and machinery set in motion to this end. It has been agreed that 25 per cent will be the top rental paid for these programs.

An action council known as the British Producers Committee, independent of the British Film Production Association, has been organized to represent producers who have recently completed films or are in the process of doing so. The committee has asked for representation on the Films Council. Producers are now represented on the Council by Captain Norton and George Smith, neither of whom is producing at present.

The committee seeks support for a plan under which a pool of 2,000 skilled technicians could be formed and placed in the reserved occupations category. The committee includes F. W. Baker, Reginald Baker, Michael Balcon, John Corfield, Walter Mycroft, Maurice Ostrer and Sam Smith.

A change in the Denham Laboratories has been announced under which Randle Terraneau of George Humphries, Ltd., assumes technical control of both plants. There will be no financial merger but the two laboratories will work together especially if the war should interrupt operation of one of the plants. Harold Boxall of Denham also joined the board of the Humphries organization.

Sidney Bernstein has resigned from the general council of C. E. A. to devote himself completely to his work at the Ministry of Information films division. He has also left the directorship of the Granada circuit.

18th Annual NAB Conclave Is Under Way

SAN FRANCISCO, Aug. 4.—The 18th annual convention of the National Association of Broadcasters got under way at the St. Francis Hotel today with more than 1,000 representatives of networks and stations on hand. Following registration and a golf tournament this morning, there were meetings of various committees, including Sales Managers' Steering Committee, Research, Legislative, Code, Labor, Accounting and Engineering. There was a meeting of the directors of Broadcast Music, Inc., and a cocktail party at the San Francisco Press Club.

Regular sessions start tomorrow. Mayor Angelo J. Rossi will greet the delegates in the morning and this will be followed by the reports of the president, secretary-treasurer, and committees on labor, wages and hours, and nominations. The appointment of a convention committee and the proposed amendment to the by-laws will complete the morning business.

After a luncheon address by FCC Chairman James L. Fly on "Radio Faces the Future," which will be broadcast by CBS and Mutual, there will be group meetings of Independent Radio Network Affiliates, National Independent Broadcasters, national sales managers, station and agency representatives, clear channel stations, regional stations, and local stations.

Decision Reserved On Ticket Fee Suit

Supreme Court Justice J. Sidney Bernstein on Friday reserved decision on the application of six ticket brokers to have declared unconstitutional the State law limiting brokers' fees to 75 cents. Directing that briefs be submitted by Aug. 19, the court said that if a temporary injunction is denied the brokers, the case will have an early trial.

To Produce Bible Films

LOS ANGELES, Aug. 4.—Charles Anson Bond, retired clothing merchant now president of Biblical Photoplays, Inc., has closed for the production by Metropolitan Pictures of 50 1,200-foot subjects on Biblical topics for exhibition in churches. The films will be 16mm. and in color.

E. J. Hines on Tour

Earl J. Hines, president of General Theatres Equipment, Inc., is on an extended tour of National Theatre Supply branches. He has been on the Coast.

Mexico Bans English

Mexico City, Aug. 4.—Radio station XENT in Mexico near the border has filed action in court to prevent enforcement of an order requiring it to broadcast in Spanish exclusively. The order requiring the discontinuance of English broadcasts is seen here as a precedent for all stations located in Mexico.

Off the Antenna

DRAWING from the rich experience NBC has had in 15 months of television programs, Lenox R. Lohr, until recently NBC president, has just brought out a book, "Television Broadcasting" (McGraw-Hill). There is a foreword by David Sarnoff, RCA president.

"Motion picture film should take an important place in television programming," Lohr asserts. "Film used in television has all the advantages that it does in motion picture theatres and certain additional uses. It usually has high technical quality, and the material is permanently recorded for use at will. From the economic aspect, it would appear advantageous to use a projector, a pickup Iconoscope camera, two engineers and a projectionist instead of the large crew of actors, directors and engineers required for a live talent studio production or for the mobile unit in the field."

Lohr points out, however, that generally it would be cheaper to produce the live show than a film specially for television. But he goes on to say "It is not inconceivable that, as and when the television audience justifies it, films may be produced by the movies, built especially for television."

Lohr believes that especially built trailers could do much to exploit films playing in theatres. He declares that broadcasters do not expect the current feature, short or newsreel product from film producers but adds that it is "conceivable . . . that after the first and second runs of a feature picture have been taken, the third and fourth runs might be taken on a nationwide television hookup, speeding up the capital turnover on the film to about six months or even less."

• • •

Purely Personal: *Fred Weber and Paula Nicoll of Mutual left by plane over the weekend for the NAB convention. . . . Harry Richman will be the headliner on a broadcast celebrating the third anniversary of the "Andy Hardy" series. The show will be heard over WHN tonight at 9:15. . . Max Kimbrel has joined the engineering staff of WKRC, Cincinnati. . . . Returned from vacation to WBT, Charlotte, N. C., desks are Charles Crutchfield, program director; Trafton Robertson, announcer; and Dorothy Franklin, continuity editor.*

• • •

Mutual will add its 143rd affiliate Sunday when KWOS, Jefferson City, Mo., joins the network. The station is owned and operated by the Jefferson City News & Tribune and is heard full time on 1,310 k.c. with 250 watts.

• • •

Broadcast Music, Inc.: will formally announce today that it is prepared to take over the job of supplying music to radio after Jan. 1, when the Ascap contract expires. A catalogue will be published listing all available tunes similar to those issued when Warners withdrew its catalogue from Ascap in 1936. BMI reports that it is shipping weekly 25,000 copies of orchestrations of standard music, 7,000 of popular dance music and 1,250 vocal orchestrations, besides an average of 14,000 professional and regular copies.

Mexican Construction Off

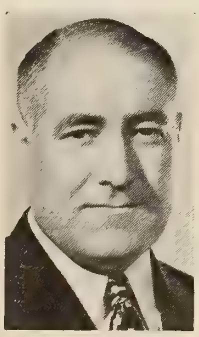
MEXICO CITY, Aug. 4.—Uncertain political conditions have halted the cinema construction program for the building of 12 theatres at a combined cost of $1,600,000. It is expected that the program will be held in abeyance until December, when the result of the elections will be known.

Outlaw Stations Elusive

MEXICO CITY, Aug. 4.—Two clandestine radio stations are causing the Government here considerable trouble, but efforts to locate them have failed. One station which calls itself "The Voice of Liberty," broadcasts seditious speeches while the other broadcasts code messages. It is believed that the latter is owned by Nazis.

Mullen NBC Vice-President

FRANK ERNEST MULLEN, for the past year vice-president of RCA, today embarks on his new duties as vice-president and general manager of NBC. He will be receiving congratulations in San Francisco where he will be among those representing the network at the NAB convention.



Frank E. Mullen

The NBC directors made Mullen's election official on Friday, and he resigned his post as vice-president in charge of advertising and publicity for RCA, the network's parent.

In the radio industry since 1923 when he organized the first broadcasting service for farmers, Mullen, a native of Clifton, Kan., joined NBC shortly after its formation in 1926 and served for eight years as director of agricultural activities. His "grassroots" origin and early training as a farm page journalist in Iowa served him well in this connection, and he became known as the man responsible for the success of the Farm and Home Hour, which has an estimated daily audience of 17,500,000.

After eight years with NBC, he was for five years manager of RCA's information department, becoming a vice-president in 1939.

RCA Quarter Net Increases To $1,415,728

Net profit after all deductions rose to $1,415,728 for Radio Corporation of America for the second quarter of 1940, as compared with $724,091 for the second quarter of 1939. Net profit for the first half of the year w $3,728,621, compared with $2,172,2 for the same period last year.

Earnings for the first half year amounted to 15.3 cents for each of the 13,881,016 shares of common stock as compared with four cents for the same period in 1939. The board of directors Friday declared dividends of 87½ cents on first preferred stock and $1.25 on "B" preferred stock, for the third quarter of this year. The dividends are payable Oct. 1 to holders of record on Sept. 6.

During the second quarter gross income rose to $28,543,775 as compared with $23,285,124 for the 1939 corresponding period.

Conn. MPTO Holds Tourney Tomorrow

NEW HAVEN, Aug. 4.—Reservations for the fifth annual golf tournament of the Connecticut M. P. T. O., which will be held at the Race Brook Country Club Tuesday, far exceed last year's record.

The M. P. T. O. tournament committee in charge includes Herman M. Levy, executive secretary, Lou Schaefer, George Wilkinson, B. E. Hoffman, Samuel Rosen, Harry Shaw, Max Tabackman, Ed Raffile, Morris Joseph, Abe Mattes, Morris Nunes, Barney Pitkin, Edward Ruff, Ben Simon, Lou Wechsler and I. Levine.

Warner Club Outing Set

NEW HAVEN, Aug. 4.—The Warner Club will hold its annual outing for employees of the theatre and exchange departments at Castle Inn, Saybrook, on August 15th. Francis Flood of the theatre department is in charge of the affair. I. J. Hoffman, B. E. Hoffman, Maxwell Hoffman, J. R. Mahan, Dan Finn, James Bracken, and other executives will attend.

Farmville Houses Open

FARMVILLE, Va., Aug. 4.—The Eaco and Lee Theatres, recently taken over by Neighborhood Theatre, Inc., of Richmond, has opened under the new management. Sam Bendheim, Jr., general manager; Harold Wood, secretary; and A. O. Budina, architect, were here for the openings. Russell Williams of Pulaski is the manager.

Air Films at Museum

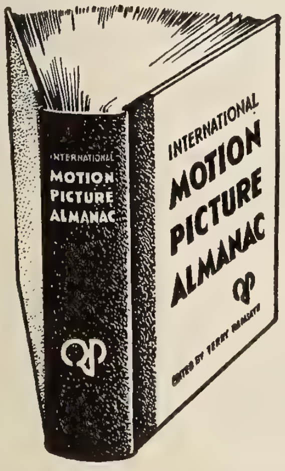
The Museum of Modern Art Film Library will show a series of documentary sound films dealing with aviation, as arranged by Air Youth of America in cooperation with the library. The showing is scheduled today, through Thursday.

Mohawk Sets N. Y. Deal

Principal Pictures of New York (S. Krellberg) has purchased from Mohawk Film Corp. the group of 19 Grand National features for the New York City and Northern New Jersey territories.

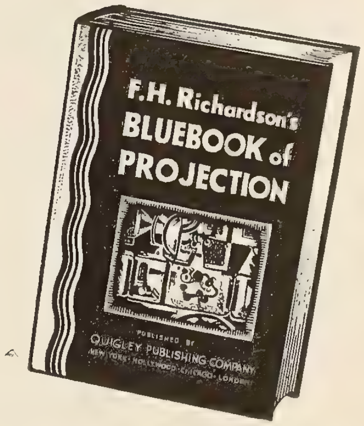
Step into the Quigley Bookshop

COMPLETE THEATRE LIBRARY

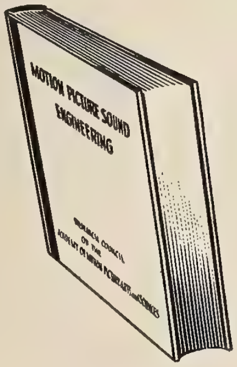

INTERNATIONAL MOTION PICTURE ALMANAC
INTERNATIONAL MOTION PICTURE ALMANAC
QP
EDITED BY TERRY RAMSAYE

1939-40 edition now in circulation. Worldwide in scope. Completely covers every branch of the business. Who's Who section alone records over 11,000 biographies. The industry's most exhaustive reference manual............ **$3.25** POSTPAID

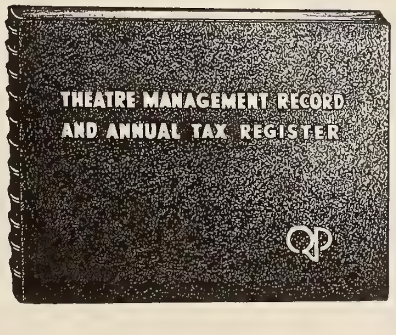
Here is a library of factual information that meets an urgent need. Authoritative manuals expressly prepared for theatremen as practical aids in their daily routine. Glance over the titles! There are books here that should be on your desk now—books that will save you time, effort and expense in the voluminous information they will put at your fingertips.


F. H. Richardson's BLUEBOOK of PROJECTION
PUBLISHED BY QUIGLEY PUBLISHING COMPANY
NEW YORK · HOLLYWOOD · CHICAGO · LONDON

The second revision, sixth edition of the Bluebook. Supplemented with sound trouble shooting charts and alphabetical index. 700 pages. A quick trouble-shooter and a sure solution to all projection problems. .... **$7.25** POSTPAID


MOTION PICTURE SOUND ENGINEERING

Motion Picture Sound Engineering—the most advanced sound manual to date. Prepared by the country's leading sound engineers. 547 pages, explaining every detail of apparatus. Profusely illustrated with diagrams, tables, charts and graphs. .... **$6.50** POSTPAID


THEATRE MANAGEMENT RECORD AND ANNUAL TAX REGISTER
QP

Theatre Management Record is the most simplified bookkeeping system yet devised for the exhibitor! No accounting experience necessary. Individual sections for all operating data. Full tax information always readily available. .... **$2.00** POSTPAID

AIR CONDITIONING
by
Charles A. Fuller

A practical treatise devoted to all the diverse elements of theatre air-conditioning and its operation, including codes and ordinances regulating installation. An indispensable manual that all theatremen will welcome. .... **$4.00** POSTPAID

QUIGLEY BOOKSHOP

ROCKEFELLER CENTER, NEW YORK

Critics' Quotes . . .

"ANDY HARDY MEETS DEBUTANTE" (M-G-M)

Should hand you many a chuckle and occasional guffaws.—*Helen Eager, Boston Traveler.*

Yesterday's audience was no doubt typical—flocking to the theatre early, laughing and applauding with obvious delight.—*Boston Daily Globe.*

This is far from being the best of the Andy Hardy series. . . . Rooney really does some good acting.—*Chicago Tribune.*

It's as good as the others and it's original enough to be different. . . . Mark this one as a sure bet.—*Pence James, Chicago Daily News.*

"'SOUTH OF PAGO PAGO" (U.A.)

Reveals no trace of novelty but in going over the old familiar ground again, the photoplay embraces sufficient conflict and action to provide acceptable summer-time entertainment.—*Garrett D. Byrnes, Providence Journal.*

Outside of the scenery, photography and a novel story that got lost somewhere, this Edward Small production is just average.—*Chicago Herald American.*

"WHEN THE DALTONS RODE" (Universal)

Not only has a blood-and-thunder, rip-roaring script, but also a sterling cast for such a picture. . . . All this is well handled, both in original writing and the direction.—*Boston Daily Globe.*

A humdinger all the way through. . . . The acting lacks nothing in the way of spirit but the big kick is in the play itself.—*Don Ward, Boston Daily Record.*

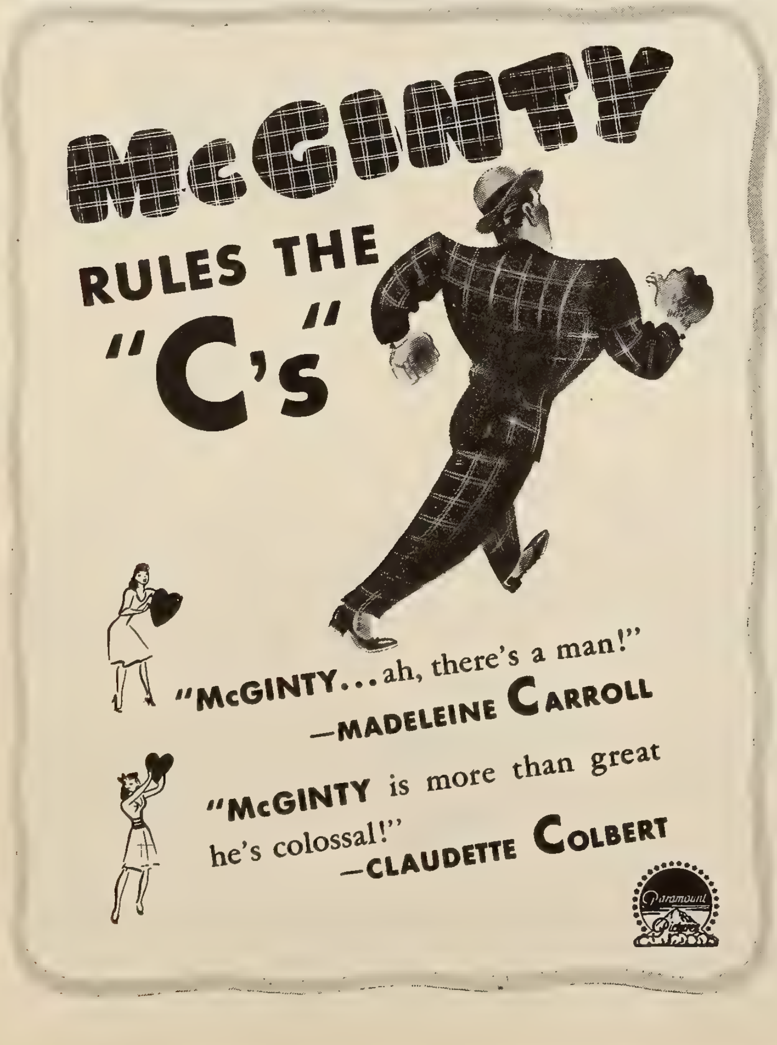
There's plenty of gunfire and enough excitement and hard-riding to satisfy those who want thrills and action in their film fare.—*Helen Eager, Boston Traveler.*

It's a Western, and it concentrates on such things as riding, shooting, gunfights and train robberies, all of which normally provide excitement in a Western. "When the Daltons Rode" has got 'em all—and what's more, it's got more of everything.—*Doris Arden, Chicago Daily Times.*

"CAPTAIN CAUTION" (U.A.)

Richard Wallace gives the robust yarn a slam bang type of action and managed for the most part to keep things (meaning fights) moving at a speedy clip. There are moments, however, that could be snapped up.—*Los Angeles Herald Express.*

A swashbuckling tale of war and love on the high seas . . . highlighted by a series of thrilling shipboard battles and man-to-man slugfests . . . supporting cast is A-1 . . . photography is really beautiful . . . several catchy songs.—*Los Angeles Examiner.*



It's good to know that, throughout the nation, "They Drive By Night" is doing what the boys call "sensational business."

My sincere thanks to the entire Warner organization for grand co-operation on "Torrid Zone," released in April . . . "Brother Orchid," released in May . . . And now "They Drive By Night."

Soon to start are "High Sierra" and "The Fabulous Thirties." I think they're both pretty swell.

—Mark Hellinger

FILE COPY
REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 26 NEW YORK, U. S. A., TUESDAY, AUGUST 6, 1940 TEN CENTS

Court Voids Florida Anti-Ascap Statute

U. S. Decision Climax to 3-Year Litigation

JACKSONVILLE, Aug. 5. — Florida's anti-Ascap law was declared unconstitutional today by a Federal statutory court at Gainesville, which ends the three-year litigation over the validity of the 1937 statute unless the state appeals the decision to the U. S. Supreme Court.

The court filed a lengthy opinion with its decision. Jurists sitting in the case were: Judges A. V. Long of Gainesville, W. J. Barker of Tampa and Joseph E. Hutcheson of New Orleans.

The Florida law, patterned after anti-Ascap measures introduced in or enacted by other state legislatures, sought to prevent Ascap from establishing or collecting royalties for the public performance of its music for profit within the state. The case was argued before the Federal statutory court here two months ago by Louis D. Frohlich and Herman Finkelstein of the New York law firm of Schwartz & Frohlich, Ascap counsel, and by members of the Florida attorney general's staff for the state.

NAB prevents Ascap officials from speaking at its San Francisco convention. Story on page 8.

Coast Flashes

HOLLYWOOD, Aug. 5.—Board of Directors of Screen Publicists Guild met tonight to consider what steps to take in regard to the continued refusal of Republic Pictures executives to sign a guild contract with five employes. Spokesmen stated that a mass meeting of all Guild members might be decided upon. All majors have already signed with Guild.

•

B. P. Fineman, formerly at M-G-M, rejoined the studio today as a producer.

•

Jack L. Warner contrary to previous dispatches, went by plane today to San Francisco to catch the "SS. Lurline," for Honolulu. He had been reported as coming to New York.

Kent Studies New Draft; Para. Still Undecided

Latest Issue of Decree Rushed to Washington While Kent and Balaban Confer With Their Associates

By SAM SHAIN

Paramount and 20th Century-Fox are still undecided about accepting the latest drafted consent decree proposals. Sidney R. Kent, president of 20th Century-Fox, met with associates during yesterday and studied the new draft. Barney Balaban, president of Paramount, did likewise.

Officials of the companies compared notes on their respective stands last night, but no decision from either may be forthcoming for several days.

Last night, it also was learned that the Department of Justice is not 100 percent satisfied with the proposed peace terms, for fear that some of its provisions are such that they may be interpreted collectively as a victory for the defense. Therefore, the officials of the Department of Justice are reserving the right to study the proposed terms before agreeing to sponsor the pact. Their reactions are expected to be revealed in about a week.

The Government is described as preferring a peace which will include Paramount, but otherwise would make peace with only four companies, should Paramount remain aloof.

The answer for peace or war, therefore, spokesmen state, is being awaited most anxiously.

Affiliated with 20th Century-Fox is National Theatres (Skouras) of which the Chase Bank is the principal stockholder, and its views are being considered, spokesmen state, in any decision which comes down from the parent company. At Paramount, the views of its many theatre partners are being considered with equal seriousness.

The Government's key counsel in the negotiations, Robert L. Sher, was racing to Washington with the latest issue of the proposed decree, drafted only yesterday. This latest draft of the decree, of which there have been about four, is described by spokesmen as containing only minor changes from that which was issued only a few days ago.

Any acceptance now by any of the companies, spokesmen point out, can be only tentative in view of the Department of Justice's decision to give exhibitors a voice upon the proposed terms, so that these terms may be aired and possibly altered, following such exhibitor hearings.

Government spokesmen, however, optimistic about the outcome of the

(*Continued on page 5*)

Nicholas Deane Reported Resigned

Chicago, Aug. 5. — Nicholas (Nick) Deane, personal representative of George Browne, president of the I.A.T.S.E., has resigned, it was reported in authoritative labor circles today. Deane has been associated with Browne for some time and has been looked upon as one of the more influential behind-the-scenes forces in the union. Browne is expected to announce Deane's resignation shortly. No reasons have been hinted in official circles regarding Deane's action.

Metro Banned By Nazis on All Continent

HOLLYWOOD, Aug. 5.—All M-G-M films have been banned in Germany as of Aug. 2, and in France, Holland, Belgium, Norway, Denmark and Czechoslovakia, as of Aug. 9, because of the production of "Escape" and "The Mortal Storm." This was announced today by company officials. Poland was not mentioned in the Nazi ban, it was said. The ousting of M-G-M product from countries other than the Reich itself was by order of Germany.

This move, spokesman asserted, was not unexpected. 20th Century-Fox also has been banned from Germany, because of "Four Sons" and "I Married a Nazi."

Although none of the American companies has been operating in Norway and Denmark, because of the fact that no funds can be exported from these two countries, Warner Bros. recently is said to have decided to enter that market. Paramount, as well as 20th Century-Fox and M-G-M until these new bans, consistently did business in Germany.

Bad Season for Theatres In Some Eastern Resorts

ALBANY, Aug. 5.—Key vacationland theatres keenly felt the loss of July patronage in summer resorts throughout the Catskill and Adirondack Mountains in New York, the Berkshires in Massachusetts and Green and White Mountains in Vermont, exchangemen and exhibitors alike report.

The unseasonable weather prevailing through the first three weeks in July caused cancellation of thousands of space reservations in the hotels throughout the mountain area, although the hot spell towards the end of the month upped the trek from urban centers to the highlands and myriad lakes north of Albany.

Saratoga Springs, which acquires a six weeks' population of 75,000 from mid-July until Labor Day, opened a five weeks' racing season with the poorest attendance at the track and in theatres since the first World War era. Spa customers, who were expected to flock in unprecedented numbers to the pari-mutuel betting but reacted the other way, are expected to increase in August, however, since the racetrack drew 15,500 paid admissions last Saturday.

Aside from the weather angle, however, both vacation territory exhibitors and hotel men say the summer vacationists are not allocating as much money per capita to amusements in 1940 as in any other year since the start of the depression.

Bingo Big Advertiser In Cincinnati's Paper

Cincinnati, Aug. 5.—Some idea of the Bingo situation here can be gained from the fact that Saturday's Cincinnati *Times-Star* carried 321 lines of display and 35 lines of classified space advertising Bingo parties under the caption of "Social Affairs." Combined theatre advertising in the same issue was 724 lines of display space.

Bingo is netting an average of $150,000 a month here, with average cost per player approximately 58 cents. Average cost per theatre patron is, roughly, 38 cents.

Four Penna. Towns Seek Sunday Shows

PHILADELPHIA, Aug. 5.—While the Lord's Day Alliance is circulating petitions throughout several hundred communities in the State in its fight against Sunday films, with the aim of placing the issue on the November ballot, four nearby communities which rejected Sunday shows in 1935 are circulating petitions to legalize them. The towns are Nazareth, Bethlehem, Northampton and Roseto, where theatre managers are initiating the movement, as is being done in Harrisburg.

Para. Nine Plays Army

The Paramount Pep Club baseball team, last season's winner of the Motion Picture League championship, has been invited to West Point to play an exhibition game there with the Army nine on Aug. 10.

Personal Mention

CHARLES STERN, United Artists Eastern district manager, left yesterday for a week's business trip through New England.

•

PAT CASEY left for the Coast by train last night after a week in the East.

•

HAROLD DUNN, Far East manager for Warners, is expected here from the Coast in a week.

•

MAX FOGEL, operator of the Webster, Rochester, N. Y., is a World's Fair visitor.

•

J. FRANK WILLINGHAM, M-G-M branch manager in Memphis, is mourning the loss of his mother, MRS. ELIZABETH L. WILLINGHAM, who died at her home in Dallas recently.

•

LOUIS LOBER, M-G-M salesman in Detroit, celebrates a birthday tomorrow.

•

LILLIAN RITTENMEYER, manager of the Casino, Des Moines, has left for a two weeks' vacation trip to Canada.

•

LARAINE DAY will arrive from the Coast by train today.

•

COLONEL WILLIAM J. DONOVAN, chief of defense counsel for RKO, went to Washington yesterday for conferences with Secretary of the Navy Knox after returning from London aboard the new British flying boat, *Claire*, over the weekend.

•

PHILIPPE DE LACY left for Hollywood on a vacation trip yesterday.

LEO SPITZ is expected to arrive here today or tomorrow. He has been in Hollywood and Chicago.

•

WILMER F. KELLER, manager of the Earle, Allentown, Pa., has just disclosed his marriage last October to MARY A. KRATZER of Alexandria, Va.

•

JACK COHN, HARRY MANDEL, SOL SCHWARTZ, NATE SPINGOLD and L. J. SCHLAIFER lunching at Lindy's (51st St.) yesterday.

•

WILLIAM K. SAXTON, Loew's city manager in Baltimore, has left for a Florida vacation.

•

I. M. RAPPAPORT, owner of the Hippodrome, Baltimore, is in Maine.

•

LARRY SCHANBERGER of Keith's, Baltimore, is in Atlantic City.

•

WALTER READE, circuit head, is in Saratoga.

•

M. J. KALLETT, operator of the Madison, Oneida, N. Y., is in Saratoga.

•

MORTON LEVINE, Warner publicity director in Atlantic City, and MRS. LEVINE are celebrating their 10th wedding anniversary.

•

EARL W. SWEIGERT, head of Paramount's Philadelphia exchange, and HERB ELLIOTT will be "Kings for the Day" at the annual dinner of the Variety Showmen's Jubilee Sept. 3.

•

ROSE MARIE MANSELL, daughter of WILLIAM G. MANSELL, manager of the Warner exchange in Philadelphia, will be crowned "Queen Maysea the 13th" at the annual children's pageant at Cape May, N. J., Aug. 16.

•

S. BARRET MCCORMICK, RKO advertising and publicity director, postponed his scheduled departure from the Coast and is now expected to arrive here Thursday.

•

J. ROBERT RUBIN, JEFFREY BERNERD, THOMAS LOACH, MORRIS HELPRIN, DOUGLAS ROTHACKER, CHARLES PAINE, WILLIAM PAINE, WILLIAM FITELSON and SAM CITRON at the Tavern yesterday for lunch.

•

BERNARD E. SMITH of the Butterfield Circuit, Detroit, is visiting here.

•

ARTHUR MAYER, IRVING SHAPIRO RUBE JACKTER and SOL EDWARDS lunching at Lindy's (next to the Rivoli) yesterday.

•

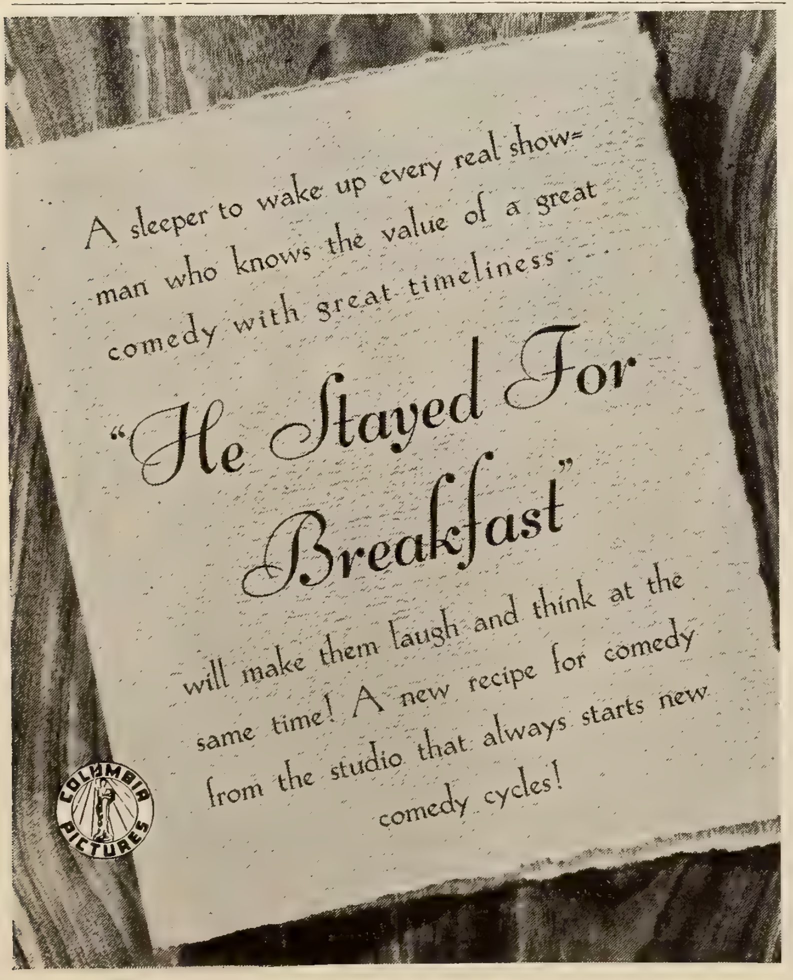
ARTHUR LOEW, DWIGHT WIMAN, AUSTIN KEOUGH, JOHN D. HERTZ, JR., TOBY GRUEN, TED O'SHEA, AL LEWIS and SIDNEY PHILLIPS at Sardi's yesterday for lunch.

•

JAMES R. GRAINGER, WILLIAM F. RODGERS, ADOLPH ZUKOR, MAX DREYFUS, TOM CONNORS and ED SAUNDERS at Nick's Hunting Room in the Astor for lunch yesterday.

•

HARRY TURBERG, co-manager of the North Palace, Hamilton, O., has been discharged from Christ Hospital, Cincinnati, after a major operation.


A sleeper to wake up every real showman who knows the value of a great comedy with great timeliness . . .
"He Stayed For Breakfast"
will make them laugh and think at the same time! A new recipe for comedy from the studio that always starts new comedy cycles!
COLUMBIA PICTURES

Six Frisco Houses Adopt Even Scales

San Francisco, Aug. 5.—Managers of six downtown first runs, irked over change-making confusion caused by present admission scales, which went into effect with the new Federal defense tax, have agreed to an upward revision of prices. The new scale, starting this Thursday, shifts prices from 33, 39, and 44 cents to 35, 40 and 50 cents. Theatres affected are the Orpheum, Golden Gate, Fox, Warfield, Paramount and St. Francis.

Consolidated 6 Mos. Earnings, $374,767

Net earnings of Consolidated Film Industries for the six months ended June 30 amounted to $374,767, the company reported yesterday.

The figure, which is equivalent to 93½ cents per share on the 400,000 shares of $2.00 preferred stock outstanding.

Earnings for the second 1940 quarter, ended June 30, were $195,468.

'Westerner' Premiere In Ft. Worth Sept. 19

World premiere of "The Westerner," new Samuel Goldwyn production, will be held in Fort Worth, Sept. 19, at the Hollywood and the Worth. National release of the picture has been set for the following day, Sept. 20.

Paralysis Epidemic Hits W. Va. Theatres

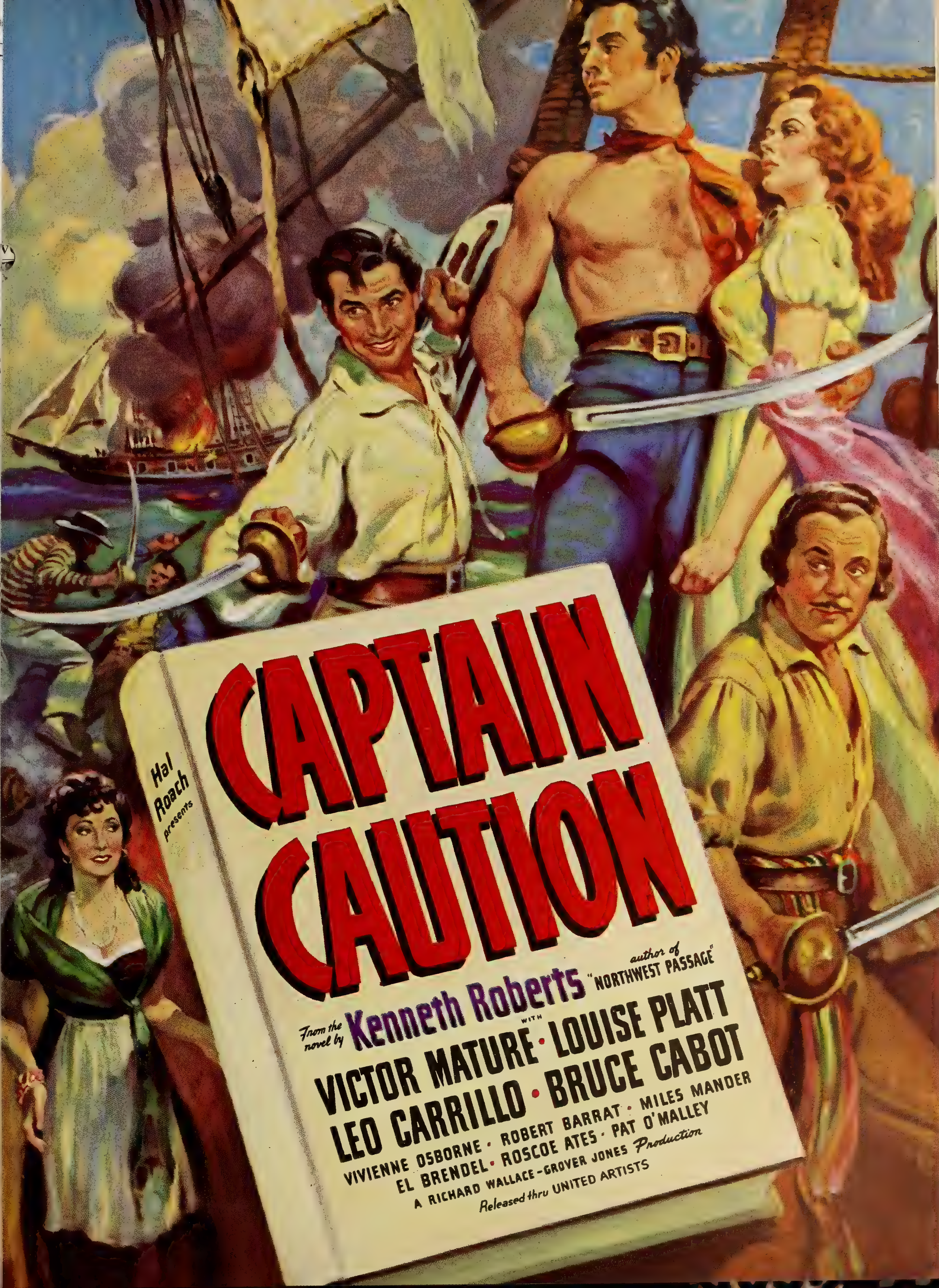
HUNTINGTON, W. Va., Aug. 5.—Children under 16 years of age have been barred from the 11 theatres here and the Virginian, the only house in suburban Milton, as managers joined in efforts to halt the spread of infantile paralysis in Cabell County.

Harris Willkie Elector

PITTSBURGH, Aug. 5.—John H. Harris, president of the Harris Amusement Co., and of the Arena Managers Association, and national chief barker of Variety Clubs of America, has been named by Wendell Willkie as one of Pennsylvania's 26 Republican electors.

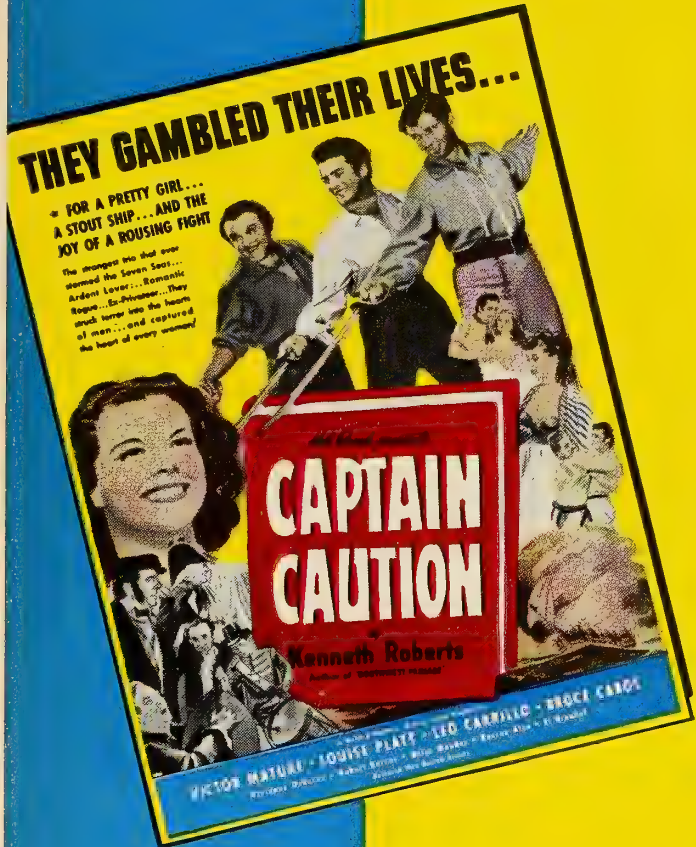
MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.


Hal Roach presents
CAPTAIN CAUTION
From the novel by Kenneth Roberts author of "NORTHWEST PASSAGE"
with
VICTOR MATURE · LOUISE PLATT
LEO CARRILLO · BRUCE CABOT
VIVIENNE OSBORNE · ROBERT BARRAT · MILES MANDER
EL BRENDEL · ROSCOE ATES · PAT O'MALLEY
A RICHARD WALLACE-GROVER JONES Production
Released thru UNITED ARTISTS

Pre-sold
TO AMERICA'S MILLIONS

HAL ROACH launches his biggest and most costly national advertising campaign with these and other smash ads to drive across to the public the thrill scope of this magnificent action novel by Kenneth Roberts, author of "Northwest Passage". The box-office meaning of Roberts' name can be measured by the fact that an estimated audience of 14,000,000 people has read the 93 stories he has written for Saturday Evening Post!



THEY GAMBLED THEIR LIVES...

★ FOR A PRETTY GIRL... A STOUT SHIP... AND THE JOY OF A ROUSING FIGHT

The strangest trio that ever stormed the Seven Seas... Ardent Lover:...Romantic Rogue...Ex-Privateer...They struck terror into the hearts of men...and captured the heart of every woman!

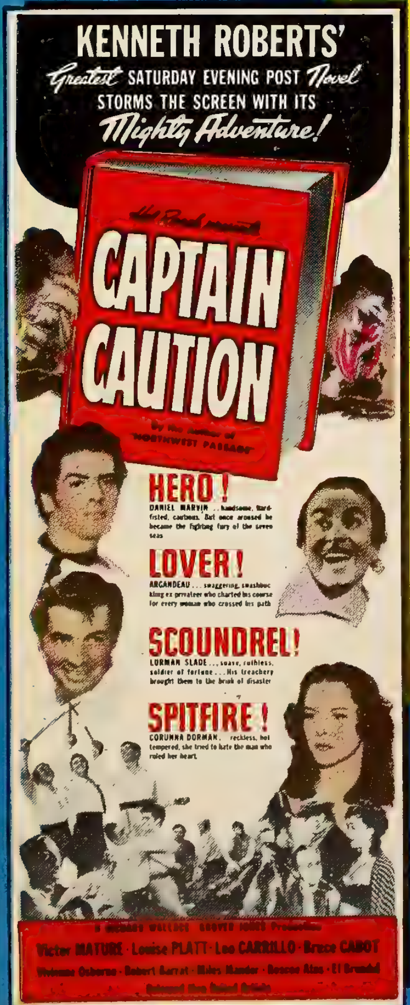
CAPTAIN CAUTION

Kenneth Roberts

Author of "NORTHWEST PASSAGE"

VICTOR MATURE · LOUISE PLATT · LEO CARRILLO · BRUCE CABOT

AMERICAN WEEKLY



KENNETH ROBERTS'

Greatest SATURDAY EVENING POST *Novel*

STORMS THE SCREEN WITH ITS

Mighty Adventure!

CAPTAIN CAUTION

by the Author of "NORTHWEST PASSAGE"

HERO!

DANIEL MARVIN ... handsome, hard-fisted, cautious. But once aroused he became the fighting fury of the seven seas

LOVER!

ARGANDEAU ... swaggering, swashbuckling ex-privateer who charted his course for every woman who crossed his path

SCOUNDREL!

LORMAN SLADE ... suave, ruthless, soldier of fortune ... His treachery brought them to the brink of disaster

SPITFIRE!

CORUNNA DORMAN ... reckless, hot tempered, she tried to hate the man who ruled her heart

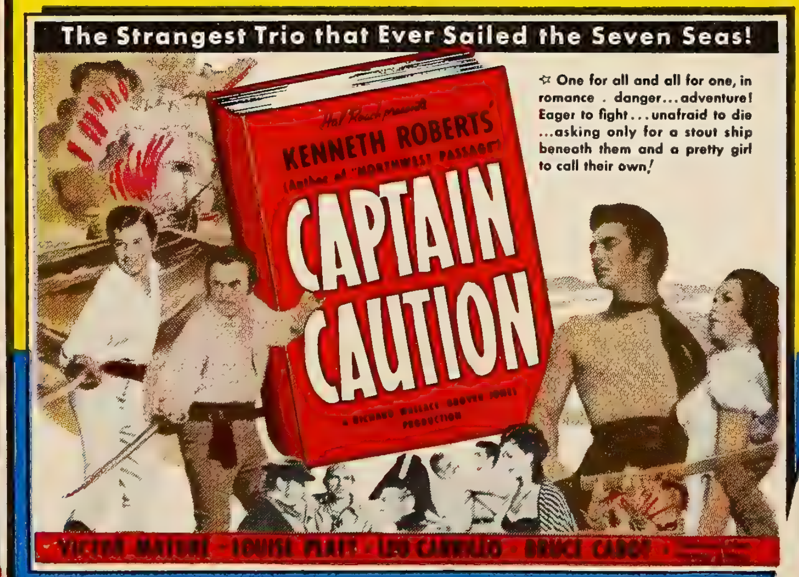
A RICHARD WALLACE · GROVER JONES Production

Victor MATURE · Louise PLATT · Leo CARRILLO · Bruce CABOT

Vivienne Osborne · Robert Barrat · Miles Mander · Roscoe Ates · El Brendel

Released thru United Artists

SATURDAY



The Strangest Trio that Ever Sailed the Seven Seas!

Hal Roach presents

KENNETH ROBERTS' (Author of "NORTHWEST PASSAGE")

CAPTAIN CAUTION

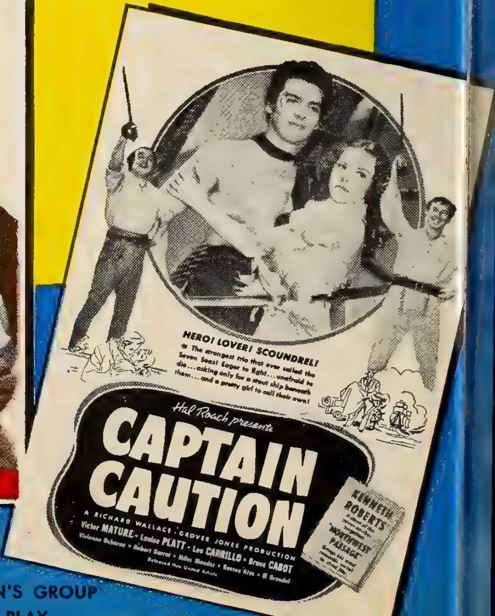
A RICHARD WALLACE GROVER JONES PRODUCTION

☆ One for all and all for one, in romance . danger...adventure! Eager to fight...unafraid to die ...asking only for a stout ship beneath them and a pretty girl to call their own!

VICTOR MATURE · LOUISE PLATT · LEO CARRILLO · BRUCE CABOT

COSMOPOLITAN

AMERICAN BOY



HERO! LOVER! SCOUNDREL!

★ The strangest trio that ever sailed the Seven Seas! Eager to fight...unafraid to die...asking only for a stout ship beneath them...and a pretty girl to call their own!

Hal Roach presents

CAPTAIN CAUTION

A RICHARD WALLACE · GROVER JONES PRODUCTION

Victor MATURE · Louise PLATT · Leo CARRILLO · Bruce CABOT

Vivienne Osborne · Robert Barrat · Miles Mander · Roscoe Ates · El Brendel

Released thru United Artists

KENNETH ROBERTS

"NORTHWEST PASSAGE"

IDEAL WOMEN'S GROUP

PICTURE PLAY

Latest Consent Decree Draft Outlined

Kent Studies Decree; Para. Not Decided

(Continued from page 1)

present negotiations to settle the New York case out-of-court, have indicated that the proposed pact, once agreed upon, would be offered by the Government as a basis for settlement of several other outstanding anti-trust suits in the industry such as the suits against the Schine Circuit, in Buffalo; the suit against the Sudekum Circuit, in Nashville; and the suit against the Griffith Circuit, in Oklahoma City.

The new draft contains nine sections, and some of these sections have been renumbered.

Escape Clause Conditions

The conditions under which a signatory of the pact may move to invoke the proposed escape clause are:

1. That two or more distributors operating on a national exchange basis have sold their product otherwise than provided under Sections 1 and 2.

2. That 45 films shall have been sold otherwise than provided under the decree in Sections 1 and 2.

3. All signatories must be served with the application by a defendant to invoke the escape clause.

4. The acts complained of must have occurred during any consecutive nine months' period preceding the filing of the application.

5. Under such an application which must be sworn to, the court can enter an order relieving the defendant of further compliance with the selling provisions of the decree but not before Aug. 31, 1942, unless within 60 days after service of the application the petitioner shall establish to the satisfaction of the court that during the nine months preceding the filing of the application:

(a) That the defendant companies bound by the decree have done more than 72 percent of the total gross distribution business done in the United States, exclusive of state rights sales.

(b) That the applicant's total gross business done in the U. S. and by all the distributors not bound by the decree, excluding state rights exchanges, has not decreased more than 5 percent of the distributors' total revenues for the calendar years 1937, 1938 and 1939 as to the total for the three years of such distributor's revenue and the revenue of all the distributors not bound by the decree, excluding state rights.

5-Unit Sales

Under Sections 1, and 2, selling is limited to groups of five films, but these must be trade shown, and the distributor has the right to offer any combination of groups of trade shown films.

Other sections of the new draft are:

Section 3. Local buying—No license for pictures to be exhibited in one exchange district shall include theatres in another exchange district. Neither shall the sale of pictures in one exchange district be conditioned upon the sale of pictures in another exchange district.

Section 4. Availability of pictures on some run.—Controversies arising upon a complaint by an exhibitor that a distributor has refused to sell its pictures on any run shall be subject to arbitration.

Section 5. Clearance is subject to arbitration.—In a case where there has been a reduction in clearance by an award of the arbitrator, any distributor or exhibitor affected may thereafter petition for a modification of the maximum clearance.

Section 6. Withholding prints.—A distributor shall not withhold prints in order to give a competing exhibitor priority not provided under his exhibition contract.

Discrimination in Selling

Section 7. Discrimination in selling.—This section formerly was known as Section 6. It has been tightened so that those may make complaints under this provision are limited to independent exhibitors. It is defined herein:

(a) An independent exhibitor is one "wholly independent of any circuit of more than five theatres and not affiliated either by stock ownership, common buying or otherwise with a circuit of five theatres or with a buying combine or common buying agent negotiating for more than five theatres."

(b) Furthermore it is provided that theatre owned by the complaining exhibitor shall have been operated at any time subsequent to the entry of the decree or within five years prior to July 20, 1940, on the same run as or on a better run than that enjoyed by the circuit theatre complained against.

(c) Also, that the complaining exhibitor has within five years prior to July 20, 1940, demanded in writing the pictures for the theatre specified in his complaint.

(d) That the complaining exhibitor operated his theatre for at least five years before the entry of the decree, and within five years prior to July 20, 1940, a prior operator of the theatre demanded in writing the pictures from the distributor, on the same run or on a better run than that enjoyed by the circuit.

(e) That the distributor refused to sell him these pictures and sold them instead to a theatre which is part of a circuit of not less than 15 theatres and in competition with the independent exhibitor's theatre.

This provision provides for arbitration of controversies arising from independent exhibitors' complaints, and in the event the arbitration award is violated damages may be assessed in final proceedings.

Theatre Expansion

Section 8. Under this provision, the defendants who have theatre affiliates agree not to enter upon a general program of expanding their theatre holdings, and agree to submit prospective construction commitments or purchases of theatres to the Department of Justice. The Government may seek injunctive relief against such new acquisitions if it feels they are unwarranted, which injunctive relief shall be limited to restraining the acquisitions of or ordering the divestiture of the theatres or interests therein. The companies are committed to report any changes in their theatre position before the 10th day of each month, under this clause.

The decree affects only pictures which have not been released in the United States prior to Sept. 1, 1941.

As reported in MOTION PICTURE DAILY yesterday, Loew's, Warner Brothers and RKO have given their tentative approval to the proposed terms.

Even in Government circles it was reported as being regarded as something of a defense victory that the draft includes provisions limiting those who may make complaints under Section 7, in respect to discrimination in selling and that the theatre and the run specified by the complaining exhibitor shall have been in existence not only at the time of the entry of the decree but that it shall have been operated as such for five years prior to July 20, 1940.

Poole in Seattle For PCCITO Meet

SEATTLE, Aug. 5.—Robert Poole, executive secretary of the Pacific Coast Conference of Independent Theatre Owners, is here in advance of the session this Thursday and Friday of the board of trustees of the Coast group. Exhibitors of Washington and Oregon are expected to attend the two-day meeting. The proposed consent decree in the Government's New York suit is to be considered.

Arbitration Ordered On French Film Suit

N. Y. Supreme Court Justice Kenneth O'Brien yesterday directed arbitration in the suit of Sylvia Shafran as assignee of Societe Parisenne de Productions de Films against Arthur Mayer and Joseph Burstyn for an accounting of the gross on the distribution in the U. S. of Grace Moore's French film, "Louise."

The complaint charges the defendants with failure to account for the receipts under a contract made in July, 1939.

Red Tape Boosts N.B. Grosses

St. John, N. B., Aug. 5.—Business at the New Brunswick theatres along the U. S. border, has shown a big boost, now that the Canadians find so much red tape in getting over the border and in securing U. S. money. Even at 11 per cent premium, the American money cannot legally be spent for pleasure by Canadians in the U. S. Nor can trips be made into the U. S. except on business. All the theatres on the Canadian side along the Maine-New Brunswick division, are finding patronage good. In addition to more patronage from their own people, the New Brunswick border exhibitors are drawing more people from the U. S. side because of the per cent extra on their money in Canada.

'Syracuse' 'Drive' Two B'way Hits

The cooler weather eagerly anticipated finally arrived but weekend business on Broadway remained spotty. Holding up well, however, were "The Boys from Syracuse" with a stage show including Allan Jones and Irene Hervey at the Paramount, and "They Drive By Night" in its second week with George Raft and Will Osborne and his orchestra appearing in person at the Strand. The Paramount grossed an estimated $19,000 over Saturday and Sunday, indicating about $50,000 for the week ending tonight. The film will be held. The Strand drew an estimated $20,000 Friday, Saturday and Sunday. "The Sea Hawk" opens there Friday.

"Pride and Prejudice" opens Thursday at the Music Hall succeeding "South of Pago Pago." The latter with a stage show grossed an estimated $45,000 Thursday through Sunday. At the Roxy, "The Man I Married" and a stage show garnered $16,800 for Friday, Saturday and Sunday and will be replaced on Friday with "The Return of Frank James." "The Leopard Men of Africa" finished a week's run at the Globe with an estimated $4,000. "Military Academy" started there Saturday night.

Booked to follow "Pride and Prejudice" at the Music Hall are the following: "The Ramparts We Watch"; "Lucky Partners"; "The Howards of Virginia"; "They Knew What They Wanted"; and "The Westerner," United Artists.

Beginning Aug. 19 the Capitol will have the "Dr. I. Q." show broadcast directly from its stage on Monday nights at 9 o'clock for eight weeks.

"Heaven" Beats Toronto Heat With Third Week

TORONTO, Aug. 5.—"All This and Heaven Too" has definitely beaten the hot spell. This picture has been held over for a third week at the Uptown Theatre, Toronto, by Manager Fred Trebilcock, who declared that there is the prospect that the engagement will go to a fourth week because of heavy attendance. The Uptown has been rated as being the one theatre in Canada that has been getting the crowds despite the weather.

Meantime, "My Love Came Back" and "Tom Brown's School Days" are being held back because of the extended "Heaven" run, but the two features will probably be presented before the official opening of the new season for which the attraction will be "The Sea Hawk."

Heat Respite Fails To Help St. Louis

ST. LOUIS, Aug. 5.—The 14-day heat wave was broken temporarily over the weekend with scattered showers that sent the mercury down below 90 for the first time in two weeks. However, humidity was up, resulting in almost no appreciable change in box-office grosses over the weekend. Grosses are still off between 30 and 40 per cent at most first run houses.

16 Features Start, 16 End At Studios

HOLLYWOOD, Aug. 5.—The number of pictures before the cameras this week remained at 43, as 16 started and 16 finished. Twenty-four are being prepared, and 81 are being edited.

The tally by studios:

Columbia

Finished: "Arizona," "Nobody's Children."

In Work: "Blondie Plays Cupid," "I'm for Rent," "Into the Crimson West."

M-G-M

Finished: "Bad Man of Wyoming."

In Work: "The Philadelphia Story," "Dr. Kildare Goes Home," "Bittersweet," "Go West," "Third Finger, Left Hand," "Flight Command."

Started: "Little Nellie Kelly," "Nick Carter" untitled.

Monogram

Finished: "Queen of the Yukon."

Started: "The Broadcast Mystery," "The Ape," "That Gang of Mine."

Paramount

Finished: "There's Magic in Music," "Moon Over Burma."

In Work: "Arise, My Love," "The Quarterback" (formerlv "Touchdown"), "Virginia," "Love Thy Neighbor."

RKO

Finished: "Too Many Girls," "I'm Still Alive," "They Knew What They Wanted."

In Work: "Little Men," "Mexican Spitfire Out West."

Started: "Wagon Train," "Citizen Kane."

Republic

Finished: "Colorado," "The Girl from Havana."

Started: "Arizona Skies."

Small

Finished: "Son of Monte Cristo."

20th Century-Fox

Finished: "Youth Will Be Served," "Yesterday's Heroes."

In Work: "Down Argentine Way," "Charlie Chan in New York," "Charter Pilot," "The Californian."

Universal

In Work: "Spring Parade," "A Little Bit of Heaven," "Hired Wife," "Seven Sinners."

Started: "The Pony Post," "The Devil's Pipe-Line," "The Green Hornet Strikes Again."

Warners

Finished: "Calling All Husbands."

In Work: "Meet John Doe," "Honeymoon for Three," "Santa Fe Trail."

Started: "East of the River," "Four Mothers," "High Sierra."

Neufeld

Finished: "Marked Men."

Heads New Haven Drive

NEW HAVEN, Aug. 5.—Earl Wright has been appointed local drive leader of the 20th-Fox S. R. Kent drive, opened here by M. A. Levy, Roger Ferri and Thomas Bailey at a special meeting.

Don Ameche Gets 'Bad Man' Role In 'Western Union'

HOLLYWOOD, Aug. 5.—Don Ameche and Randolph Scott will have featured roles in 20th Century-Fox' "Western Union," Ameche doing, for possibly his first time on the screen, the role of a "bad man" . . . Ruth Hussey gets the feminine lead in M-G-M's "Flight Command" . . . "Six Hits and a Miss," Borrah Minnevitch and Jan Garber are the musical aggregations signed for Republic's "Hit Parade." Benny Goodman will be unable to fill his contract for the picture because of his continued illness . . . William Henry has been borrowed from Paramount for 20th Century-Fox's "Jennie," in which Virginia Gilmore, George Montgomery and Joan Valerie have also been set.

• •

Mary Martin *will have a "straight" role in Paramount's "New York Town," original script by* Jo Swerling *which* Anthony Veiller *will produce and* Mitchell Leisen *will direct . . .* Harr Sherman *has signed* Jerome Cowan *for "The Roundup" . . .* Ruth Warrick, *stage actress, joins the cast of "Citizen Kane," RKO . . .* Judy Garland *will be starred in M-G-M's "The Youngest Profession," story of a rabid movie fan-autograph hunter. The story is a novel by* Lillian Day . . . Alexander Korda *is planning a picture, "New Wine," based on the life of Franz Schubert.* William Sekely *will act as his executive producer.* Sekely *was his assistant in* Korda's *silent film days.* L. Bus-Fekete, *Hungarian playwright, is doing the script.*

• •

Among the many pictures Warners has announced for John Garfield is "The Fabulous Thirties," Mark Hellinger original . . . Edward H. Griffith, now filming Paramount's "Virginia" in that State, has signed Lucy Ville Sommers, 18-year-old girl, to a term contract there . . . Louis Bromfield has been signed to write the script for "The Unbreakable Mrs. Doll," Carole Lombard vehicle . . . M-G-M has purchased "Married Bachelor," original by Manny Seff, for a John W. Considine production . . . M-G-M has given Bonita Granville a term pact . . . RKO has given Patric Knowles the male lead in "Debutantes, Inc.," honors of which he will share with Kay Francis and James Ellison . . . Paramount has changed the title of "Touchdown!" to "The Quarterback" . . . Warners has slated "Bad Men of Missouri" for George Brent, Humphrey Bogart and John Garfield, with Robert K. Buckner scheduled to write the original screenplay and Michael Curtiz directing.

• •

Burgess Meredith *joins the cast of "Second Chorus,"* Morros-Stillman *production for Paramount . . .* Donald Ogden Stewart *is doing the script for the untitled* Merle Oberon-Melvyn Douglas *vehicle for* Ernst Lubitsch . . . *"Maid in Havana" looms as an* Ann Sheridan-George Raft *vehicle at Warners . . . That studio will also star, it is announced,* Ida Lupino *in "Hard Luck Dame," original story by* Chadles Kenyon, *which has a carnival background.* Raoul Walsh *will direct . . .* Charles Farrell *has been signed by* Hamilton MacFadden *for "The Astonished Ostrich,"* Archibald Norman MenZies *comedy, to be presented at the Lobero Theatre, Santa Barbara, this month . . .* Jerry Colonna *will get star billing with* Bonnie Baker *and* Orrin Tucker *in Paramount's "You're the One," Gene Markey production . . . The cast assembled by* Hal Roach *for "Road Show,"* Eric Hatch *story, consists of* Adolphe Menjou, Carole Landis, John Hubbard, Patsy Kellya George Stone, Charles Butterworth, Polly Ann Young, Margaret Roach *and* James Arthur. Roach *is directing . . .*

• •

Milton Sperling, *20th Century-Fox producer, is working on a satire of American politics . . .* Tex Ritter's *first picture under his new Monogram contract is "The Parson of Devil's Gap," being produced by* Edward Finney . . . Dale Van Every *and RKO are negotiating over a production deal, under which* Van Every, *formerly at Paramount, would produce "The Last Man," which he bought from Paramount . . .* Eddie Bracken, *recently of Broadway, has been set for four pictures at Paramount. His first picture was "Life with Henry" . . .* Sol Lesser *has changed the title of "Strange Victory," to star* Martha Scott, *to "Way of a Man with a Maid' . . .* Victor Schertzinger, *director, has been given a year's contract extension at Paramount . . .* Walliam LeBaron *has signed* James Barton *for "The Shepherd of the Hills."*

Gus Meins, Director, Found Dead in Car

LOS ANGELES, Aug. 5.—Gus Meins, 47, film director, formerly employed by Republic Pictures, was found dead in his automobile yesterday. He had been dead apparently several days. Officials expressed belief he may have committed suicide by inhaling carbon monoxide fumes.

E. W. Hammons Returns

Production plans of Earle W. Hammons are still in the formative stage, he reported yesterday on his return from the Coast. He said that another two to three weeks would be required to complete arrangements for his contemplated production of a new serial, based on a radio program.

Censors Make 53 Cuts

COLUMBUS, Aug. 5.—Fifty-three eliminations were ordered from a total of 521 reels reviewed by the Ohio censors in July. Eight reels were rejected for the week ending July 12. Comparatively, 20 eliminations were ordered from 406 reels reviewed in June, while the figures for July, 1939, were 452 reels and nine eliminations.

Shelton to French C.C.

William Shelton, formerly with the foreign department at RKO has been appointed sales manager for French Cinema Center, Andre R. Heymann, president, announced yesterday. "Harvest" has been set for general release after Labor Day, Heymann said.

Commission Grants Television Permits To B.&K. and NBC

WASHINGTON, Aug. 5.—The Federal Communications Commission today approved construction of two more television stations, one by NBC here and the other by Balaban & Katz in Chicago.

The latter station, presumably, wo[illegible] be operated by Allen B. DuM[illegible] Laboratories.

Both stations will be of 60,000 to 66,000 kilocycles, 1,000 watt, aural and visual.

Paramount home office officials said yesterday that equipment for the B. & K. Chicago station already has been ordered and blue prints are in their final stages. Construction will be begun promptly after the completion of blue prints, it was said.

Willkie Leading In Newsreel Vote

Wendell Willkie led Franklin D. Roosevelt by a vote of 7,001 to 6,377 in a straw vote being conducted at the two Newsreel theatres on Broadway and 46th St. and Rockefeller Center, at 4 P. M. yesterday. The vote at the Embassy was 5,445 to 4,777 in favor of Roosevelt, while at the Center Willkie led by 2,224 to 932.

Through an error, the first week vote at the Embassy was reported in MOTION PICTURE DAILY yesterday as showing that Roosevelt was leading by more than five-to-one. This was incorrect as Roosevelt led by only a small margin.

Jackson Parks Put On 'Hall' Campaign

HOLLYWOOD, Aug. 5.—Jackson Parks, former publicity director for the A. F. of L. conference of Studio Unions, has been placed in charge of the publicity campaign on "Pastor Hall" by James Roosevelt.

The picture will have special trial showings in New York, Los Angeles and San Francisco to determine the type of campaign best suited to the picture, which is Roosevelt's first release through United Artists.

Griffis and Jacobs In Fight Film Firm

ALBANY, Aug. 5.—Sports Features Distribution, Inc., has been formed in New York and incorporated here to handle distribution of fight films. Directors are Michael S. (Mike) Jacobs, John R. Kilpatrick and Stanton Griffis. Attorneys filing were Chadbourne, Wallace, Parke and Whiteside.

Alfred Kahn on Coast

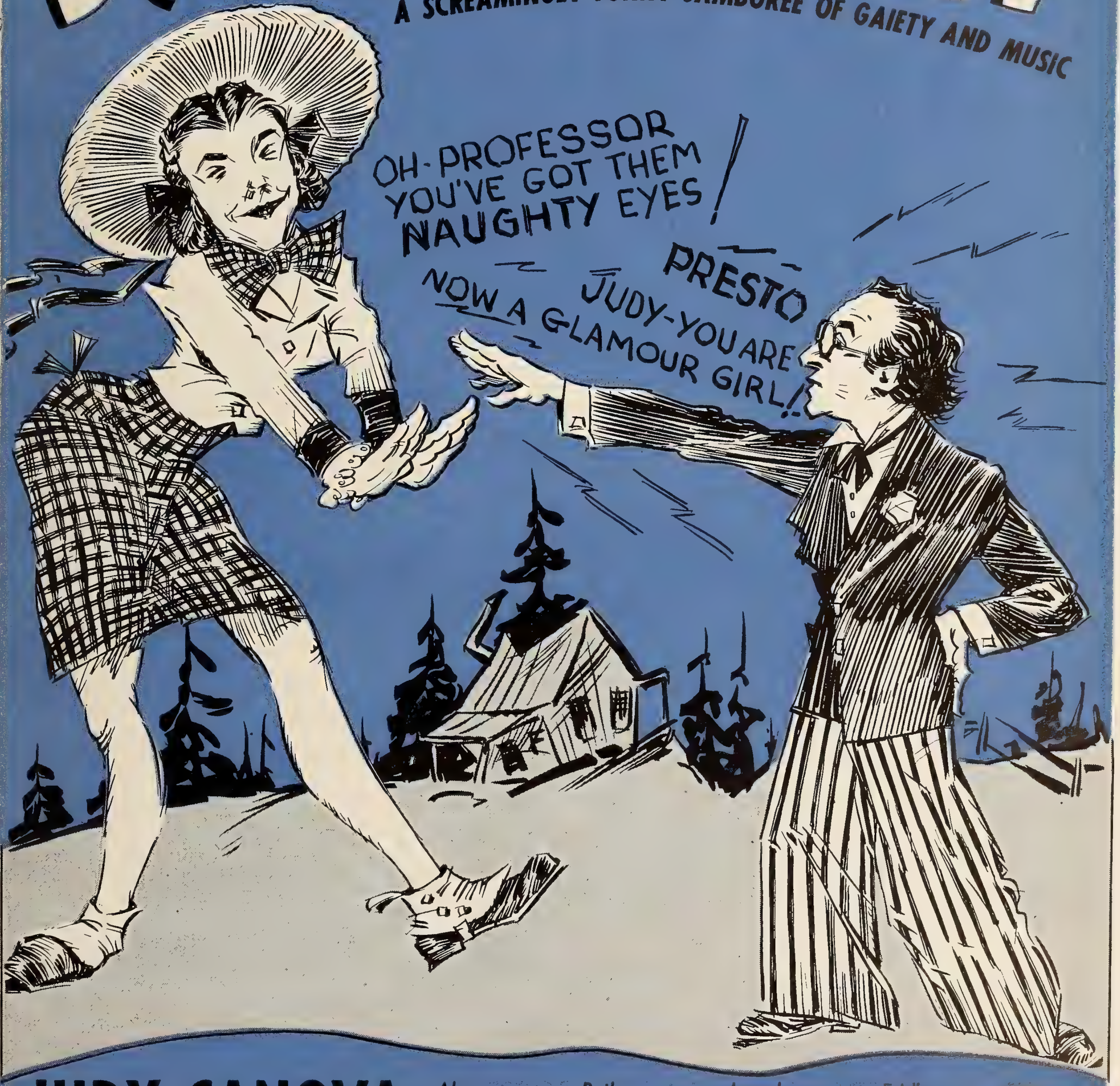
HOLLYWOOD, Aug. 5.—Alfred S. Kahn, formerly associated with the Boulting Bros. of London in the making of "Pastor Hall," has arrived in Hollywood from New York. He expects to remain here for some time.

Don Roberts Joins RKO

HOLLYWOOD, Aug. 5.—Don Roberts has joined RKO's studio publicity department.

SCATTERBRAIN

A SCREAMINGLY FUNNY JAMBOREE OF GAIETY AND MUSIC


OH-PROFESSOR YOU'VE GOT THEM NAUGHTY EYES!
PRESTO JUDY-YOU ARE NOW A GLAMOUR GIRL!!

JUDY CANOVA • *Alan* MOWBRAY • *Ruth* DONNELLY • *Joseph* CAWTHORN • *Eddie* FOY, JR • [illegible] GILBERT

WALLACE FORD • ISABEL JEWELL • LUIS ALBERNI • EMMETT LYNN • JIMMY STARR • CAL SHRUM'S [illegible]

MATTY MALNECK AND HIS ORCHESTRA

A REPUBLIC PICTURE

NAB Prevents Ascap Chiefs FromSpeaking

SAN FRANCISCO, Aug. 5.—Neither Gene Buck, president of Ascap, nor John Paine, general manager, will be permitted to address the delegates to the convention of the National Association of Broadcasters tomorrow morning, although they asked for that opportunity in order that Ascap's side of the present $7,000,000 controversy with the radio industry might be told. The NAB convention opened here today for a week.

Neville Miller, president of the NAB, deviated from his prepared talk in order to answer the appeal which was made by Paine, by stating that the NAB stand has not changed since Paine's earlier request. Paine had sent telegrams to every delegate registered here that he and Buck, who is also here, be allowed a chance to talk.

The NAB is described as having a $3,000,000 fund to fight Ascap.

Paine, it is said, contacted independent station owners to line up support, as the session tomorrow morning on Broadcast Music, Inc., the NAB's new music subsidiary, is expected to attract a majority of the 617 delegates here.

Miller, in his address, outlined NAB's fight on Ascap, stressed NAB's right to organize for such a fight and scored Ascap's control of the music field.

Ascap Charges Webs With Being 'Censorious'

Ascap yesterday charged the networks with "censorious" conduct and an attempt to dominate all phases of broadcast operation in their current controversy with the music licensing society over new contract rates.

The charge referred to recent instructions issued by NBC and CBS to advertisers and sponsors that at least one non-Ascap song be included in programs from now until Dec. 31, after which, they said, all Ascap music would be eliminated from their network programs. The letters urged the use of Broadcast Music, Inc., catalogues.

Ascap's statement yesterday was an answer to these instructions and was made by Gene Buck, president of the Society.

He added, however, that Ascap wishes BMI well and is not in the slightest concerned with the current network charges and activities.

"It is, of course, the most utter and puerile nonsense." Buck's letter asserts "for the proponents of BMI to contend that they are interested in encouraging composers who are barred by Ascap. It is equally stupid to contend a purpose to contribute to American culture. All camouflage aside, and all speeches to the contrary, notwithstanding, the purpose is, of possible, to beat Ascap's members to their economic knees, and to use their music cheaper than it is now available."

"It will be interesting to observe the development of this controversy," the letter says. "We think the Government may be intensely interested to note this effort to prohibit the performance of such music by corporations which own booking offices, phonograph record factories and motion picture producing units. If the effort should by some fantastic process become successful, we imagine damages will lie against those responsible in sums that will far transcend any which they ever would have paid for performing rights fees."

The letter, addressed to radio advertisers and advertising agencies, predicts that just as much Ascap music will be played on the air after Dec. 31 as is played now, and it invites agency representatives, performing artists and orchestra leaders to bring to Ascap's attention "each and every instance in which any pressure whatever is brought to bear upon them that might deprive them of complete freedom to choose the music best suited to their particular use or purpose."

Fly Scouts Reports Of Control by U. S.

San Francisco, Aug. 5.—"Hobgoblin," said Chairman Lawrence Fly, of the FCC, to reports about the Government taking over private radio in time of emergency, in addressing the NAB convention. He stated that there was no "grain of truth" in such reports. Fly also reassured the broadcasters that the Government did not intend to curtail broadcasts from rural areas. He said the reverse is true and declared that it was the FCC's intention to develop and expand the rural service.

Off the Antenna

AS a wartime precaution, the Canadian Broadcasting Corp. has ordered suspended the practice of inviting studio audiences to attend broadcasts. An exception is made, however, when the program originates in outside auditoriums. No explanation was given by C.B.C. for the order.

• • •

Purely Personal: *Stan Shaw, who conducts 10 half-hour shows nightly over WNEW on his "Milkman's Matinee" between 2 and 7 A.M., this week celebrates his fifth anniversary with the program and his 15th on the air. . . . Ethel Everett, narrator on "By Kathleen Norris," is making 39 double-faced 16-inch records of "All This, and Heaven Too" for the blind. She is reading the entire novel on records. . . . Philip Reed has succeeded Alexander Kirkland in the role of Russ Barrington on "Society Girl."*

• • •

In response to an inquiry, the FCC advises that there were 2,452 regular broadcast stations throughout the world, including 814 in the United States, as of Dec. 31.

• • •

Program News: *Libby-Owens-Ford Glass Co. returns to the air after an absence of 10 years on Sept. 29 with a symphonic program over 67 CBS stations. Called "Design for Happiness," the program will feature a 65-piece all-women's orchestra conducted by Izler Solomon and will be heard Sundays at 5 P. M. . . . Quaker Oats also returns to the air over NBC-Red Oct. 27 with a variety show to be heard Sundays at 5:30 P.M. . . . Two programs will shift time over CBS. On Sept. 30, Colgate-Palmolive-Peet changes "Woman of Courage" to 4:30 P.M. and Continental Baking Co. shifts "Pretty Kitty Kelly" to 5:30 P.M. . . . Gambarelli & Davitto have renewed "Music to Remember" over WQXR Mondays through Saturdays at 6 P.M. for an additional year. . . . Westinghouse tonight will bring the total of NBC-Blue stations carrying "Musical Americana" to 99.*

• • •

While the battle by New York City continues to obtain full time for the municipal station WNYC, the FCC has made a partial concession to the station. During August, WNYC has been granted permission to remain on the air until 10 P.M. instead of the usual signoff at 9:15.

• • •

When Mori Fremon *and Richard Thomas, who conduct a news show over WBNX Mondays through Saturdays from 11:30 P.M. to midnight, stepped off an I.R.T. train at Columbus Circle early Sunday morning after completing their daily stint, they also stepped into a holdup going on at the change booth. Thomas, a former intercollegiate boxing champion, captured the gunman. However, they failed to get the news beat for WBNX because that station was already off the air.*

CBC Suspends Move On News Programs

TORONTO, Aug. 5.—Following complaints from various sources that the proposed policy meant an infringement upon the traditional freedom of the press, the Canadian Broadcasting Corp. has postponed its move to restrict all newscasts by any station in the Dominion to an official news service to be made available by C.B.C. at intervals each day.

The new regulations, to be applied to all stations whether under the control of the C.B.C. or not, were announced last June and were supposed to go in effect July 1. On that date all independent services, such as Trans-Radio, United Press and local newspapers, were to have been cut off in favor of the C.B.C. newscasts. The cry went up, however, that this meant a monopoly and also direct Government control of news and public opinion as reflected in newspaper editorials.

The result has been the postponement of the new order on successive dates and, in the meantime, the independent newscasts are being heard regularly. There is now a rumor that the C.B.C. will allow the issue to die a graceful death.

Mrs. Gannett Appointed

ROCHESTER, Aug. 5.—Mrs. Frank Gannett, wife of the publisher, has been named chairman of the Republican Radio Committee for New York State.

NAB Opinion Split On Merits of FM

San Francisco, Aug. 5.—Delegates to the NAB convention today saw a demonstration of frequency modulation. Opinion among them was stated to be divided on its immediate value because of the problem of replacing present receivers at heavy cost to the public. Some expressed their views that FM will make gradual progress.

Sarnoff To Face Senate Quiz Today

WASHINGTON, Aug. 5.—A detailed explanation of the events leading up to the filing of the consent decree in the Government's anti-trust suit against Radio Corp. of America in 1932 and the methods allegedly used in securing an adjournment of the trial from March of that year until after a new administration took over, will be demanded of David Sarnoff, RCA president, tomorrow when he appears before the Senate Interstate Commerce Committee.

The alleged activities of two former U. S. Senators in securing postponement of the trial have been the subject of charges made and repeated in Congress during the past several years and were brought before the committee by Sen. Charles W. Tobey who is fighting the confirmation of Thad H. Brown for another term on the Federal Communications Commission. Tobey charged that the failure to investigate the RCA matter during the FCC monopoly investigation is evidence of Brown's unfitness for the post.

Agree to Withdraw Action on WMCA

Stipulation was filed yesterday in N. Y. Supreme Court discontinuing the suit of Ralph Marshall Anspach and Charles E. Weiss for $150,000 damages and 140 shares of WMCA stock against Federal Broadcasting Corp., John T. Adams, president, and Calvert O. Freeman, vice-president.

The suit was based on an alleged contract made in April, 1933, whereby the parties to the suit agreed to set up station WMCA with a large division of the profits. The defendants were charged with conspiring to deprive the complainants of their share under the contract.

Julius J. Seebach, Jr., Named to WOR Board

Julius J. Seebach, Jr., WOR vice-president in charge of programs and director of programs since 1935, has been elected a member of the board of directors, it was announced yesterday.

Seebach joined the station as an announcer in 1925 and rose to manager of evening programs. In 1928 he became program production manager for CBS and remained with the network until 1935, when he resigned as director of all program operations to join WOR.

Greetings to the Members of N. A. B.

(National Association of Broadcasters)

We asked for the privilege of having a representative address the members of N.A.B. at their convention in San Francisco. The request was denied. Courteously, cordially, and conclusively.

Not being able to deliver our message to you in person, we now deliver it to you in print. Here it is:

Every broadcaster in the United States who is mindful of his obligations to serve the public interest, is herewith assured of our complete cooperation.

All our music, past, present and future, is available to all, at terms within the means of all.

Our composer-author members and our music publisher members will continue to say it with music, because the public wants music and the public must be served.

That's our message. And we present it to you with all good wishes for the continued progress of the art of broadcasting and the success of all broadcasters.

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS.

Aug 6, 1940

'Safari' and Krupa Best In Detroit

DETROIT, Aug. 5.—After torrid weather slumped grosses in the larger downtown theatres during the weekend, the heat wave broke during the week and revived business to above and near average figures. The Michigan after a poor previous week reported $25,000 with "Safari" and Gene Krupa's band, while the Fox reported $19,000 with "Maryland" and a show including Connie Boswell, the Harmonica Rascals and "Buck" Newsom, leading Detroit baseball pitcher.

Estimated takings for the week ending Aug. 1:

"Little Tough Guys" (Univ.)
"Scatterbrain" (Rep.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: $4,500. (Average, $5,000)
"Edison the Man" (M-G-M)
"It All Came True" (W. B.)
FISHER—(2,700) (15c-44c) 7 days. Gross: $5,500. (Average, $7,000)
"Maryland" (20th-Fox)
Stage show
FOX—(5,000) (15c-55c-65c) 7 days. Gross: $19,000. (Average, $15,000)
"Safari" (Para.)
Gene Krupa band and revue on stage
MICHIGAN—(4,000) (15c-55c-65c) 7 days. Gross: $25,000. (Average, $12,000, film only)
"My Love Came Back" (W. B.)
"The Man Who Talked Too Much" (W. B.)
PALMS—(2,000) (15c-39c-55c) 7 days. Gross: $6,000. (Average, $7,000)
"Pride and Prejudice" (M-G-M)
"Anne of Windy Poplars" (RKO)
UNITED ARTISTS—(2,000) (15c-39c-55c). Gross: $8,500. (Average, $10,000)

K. C. Grosses Beat Heat, 'Dalton' Top

KANSAS CITY, Aug. 5.—Only one first run failed to better par in a week of 100-degree temperatures. "When the Daltons Rode," helped by personal appearances of Universal players at opening performance, did $7,800 at the Esquire and Uptown, up $2,000 over aggregate par for the two. "Gold Rush Maisie" and "One Million B.C." took $9,600, which is $100 over par for the Midland. "Cross Country Romance" and stage show gave the Tower $6,600, for its fourth consecutive week of over-average business.

Estimated takings for the week ending July 31-Aug. 2:

"When the Daltons Rode" (Univ.)
ESQUIRE—(800) (28c-44c) 8 days. Gross: $3,500. (Average, 8 days, $2,500)
"Gold Rush Maisie" (M-G-M)
"One Million B.C." (U.A.)
MIDLAND—(4,000) (28c-44c) 7 days. Gross: $9,600. (Average, $9,500)
"The Man Who Talked Too Much" (W.B.)
NEWMAN—(1,900) (28c-44c) 7 days. Gross: $4,800. (Average, $7,000)
"Cross-Country Romance" (RKO)
TOWER—(2,200) (30c) 7 days. Stage: Walton & O'Rourke, Ming & Toy, Wilfred Dubois. Gross: $6,600. (Average, $6,000)
"When the Daltons Rode" (Univ.)
UPTOWN—(2,000) (28c-44c) 8 days. Gross: $4,300. (Average, 8 days, $3,300)

Foreign Films Big On Coast: Rosener

SAN FRANCISCO, Aug. 5.—Despite the shortage of foreign films in this country due to the war, foreign language pictures which have been available have been unusually successful on the Pacific Coast, according to Herbert Rosener, Inc., distributor for European producers in this area.

Hollywood Reviews

"South to Karanga"

(*Universal*)

HOLLYWOOD, Aug. 5—An hour of thrilling entertainment is offered by Universal's "South to Karanga," an exciting story laid in South Africa.

A number of mysterious characters join an American consul and a mine head on the first trip of a new railroad to a copper mine in the interior, as threats of a native revolt against the whites are heard. The train gets through after an attack upon it by the natives, several mysterious deaths, the solution of two murders, only to encounter an attack upon mine headquarters.

Charles Bickford, as the consul, James Craig, Luli Deste, John Sutton, Maurice Moscovich, Paul Hurst, Abner Biberman, Ben Carter, Frank Reicher and Addison Richards comprise the cast.

Harold Schuster directed from an original screenplay by Edmund L. Hartmann and Stanley Rubin. Marshall Grant was associate producer.

Running time, 60 minutes. "G."* VANCE KING.

"I'm Nobody's Sweetheart Now"

(*Universal*)

HOLLYWOOD, Aug. 5.—Building their story around the title derived from the song, Scott Darling, Erna Lazarus and Hal Block have written a screen play concerning the romance of two young people, their former romantic attachments, and the efforts of their parents to compel their interest in each other.

Principals are Dennis O'Keefe, Constance Moore, Helen Parrish, Lewis Howard, Laura Hope Crews, Samuel Hinds, Berton Churchill, and Marjorie Gateson.

Evoking a favorable response from the preview night audience, especially in its comedy moments, the picture was directed by Arthur Lubin, while Joseph Sanford acted as associate producer.

Two songs by Milton Rosen and Everett Carter are featured, in addition to the title song.

Running time, 64 minutes. "G."* W. S.

"G" denotes general classification.

'My Love' at $9,400 Best in Cincinnati

CINCINNATI, Aug. 5.—"My Love Came Back," which gave the RKO Albee $9,400, had the highest gross in the dullest week of the season, made so by the extremely oppressive heat. None of the houses reached their average figure. "South of Pago Pago" garnered $7,800 at the RKO Palace.

Estimated takings for the week ending July 30-Aug. 3:

'My Love Came Back" (W. B.)
RKO ALBEE—(3,300) (39c-47c) 7 days. Gross: $9,400. (Average, $12,000)
"South of Pago Pago" (U. A.)
RKO PALACE—(2,700) (39c-47c) 7 days. Gross: $7,800. (Average, $10,000)
"All This and Heaven, Too" (W. B.)
RKO CAPITOL—(2,000) (39c-47c) 7 days, 3rd week. Gross: $4,200. (Average, $6,500)
"Anne of Windy Poplars" (RKO)
RKO LYRIC—(1,400) (33c-42c) 7 days. Gross: $1,900. (Average, $5,000)
"Black Diamonds" (Univ.)
"Boys of the City" (Mono.)
RKO FAMILY—(1,000) (15c-28c) 4 days. Gross: $1,100. (Average, $1,500)
"Lucky Cisco Kid" (20th-Fox)
"Girls of the Road" (Col.)
RKO FAMILY—(1,000) (15c-28c) 3 days. Gross: $800. (Average, $900)
"Maryland" (20th-Fox)
KEITH'S—(1,500) (39c-47c) 7 days, 2nd week. Gross: $4,100. (Average, $6,000)

'Maryland,' $9,500 Tops Indianapolis

INDIANAPOLIS, Aug. 5.—"Maryland" and "Sailor's Lady" crashed through the heat wave to give the Circle a fine $9,500. They were held. Weather moderated slightly during the week, but gave only two cool nights.

Estimated takings for the week ending Aug. 3:

"Maryland" (20th-Fox)
"Sailor's Lady" (20th-Fox)
CIRCLE—(2,800) (28c-33c-44c) 7 days. Gross: $9,500. (Average, $6,000)
"South of Pago Pago" (U. A.)
"Military Academy" (Col.)
LOEW'S—(2,800) (28c-33c-44c) 7 days. Gross: $6,000. (Average, $7,000)
"Wagons Westward" (Rep.)
LYRIC—(2,000) (28c-33c-44c) 7 days. Stage: Red Nichols orchestra, with his Pennies, Cass Daley, 3 Arnolds, Fenwick & Cook. Gross: $10,000. (Average, $8,000)

Wilby-Kincey Buys RKO

The Wilby-Kincey circuit of North and South Carolina has contracted for the entire lineup of RKO's 1940-'41 product. Robert Mochrie, Eastern division sales manager, and J. J. Brecheen, Southeastern district manager, represented RKO in the deal.

St. John Exchange Girls Help Sailors

St. John, N. B., Aug. 5.—Adoption of the crew of a Canadian patrol boat has been made by the Film Girls' Patriotic Club, consisting of girls in the film exchanges here. The club will provide the sailors with knitted wear, candy, reading matter and tobacco for the rest of the war. The club has finished knitting over 100 articles, including sweaters, for Canadian soldiers and sailors. The club is also active in promoting entertainments for the service men at the camps, providing films and projectors.

'Pride' Good Frisco Draw; Pulls $16,500

SAN FRANCISCO, Aug. 5.—"Pride and Prejudice" rolled up a gross of $16,500 at the Warfield for the top position during the past week. "Boys from Syracuse" at the Orpheum took $11,500, also well above avera[illegible] Other grosses were off.

Estimated takings for the week ending July 31-Aug. 2:

"Millionaires in Prison" (RKO)
GOLDEN GATE—(2,850) (39c-44c-55c) 7 days. Stage: Vaudeville. Gross: $12,200. (Average. $15,000)
"Boys From Syracuse" (Univ.)
"Military Academy" (Col.)
ORPHEUM—(2,440) (15c-33c-39c-44c) 7 days. Gross: $11,500. (Average, $8,000)
"Gold Rush Maisie" (M-G-M)
"Golden Gloves" (Para.)
FOX—(5,000) (15c-33c-39c-44c) 7 days. Gross: $14,000. (Average, $16,000)
"Maryland" (20th)
"Sailor's Lady" (20th)
PARAMOUNT — (2,740) (15c-33c-39c-44c) 7 days, 2nd week (moved over from Fox). Gross: $10,500. (Average, $11,500)
"Turnabout" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 3rd week. Gross: $5,700. (Average, $8,000)
"Man Who Talked Too Much" (W. B.)
"Scatterbrain" (Rep.)
ST. FRANCIS—(1,400) (15c-33c-39c-44c) 7 days, 2nd week (moved over from Warfield). Gross: $5,200. (Average, $6,000)
"Pride and Prejudice" (M-G-M)
"Ladies Must Live" (W. B.)
WARFIELD—(2,680) (15c-33c-39c-44c) 7 days. Gross: $16,500. (Average, $12,000)
"The Baker's Wife" (Foreign)
CLAY—(400) (15c-39c-44c-55c) 7 days, 6th week. Gross: $1,800. (Average, $1,000)

'Hardy' $7,100 High As Montreal Wilts

MONTREAL, Aug. 5.—"Andy Hardy Meets a Debutante" at the Palace was the box-office pick with a gross of $7,100 during a week of heat and holdovers. Second week of "New Moon" at Loew's accounted for $5,300. Parks and outdoor sports just struggled along in the humidity.

Estimated takings for the week ending Aug. 2:

"The Way of All Flesh" (Para.)
"Those Were the Days" (Para.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $4,800. (Average, $8,000)
"New Moon" (M-G-M)
LOEW'S—(2,800) (30c-50c-60c) 7 days, 2nd week. Gross: $5,300. (Average, $8,000)
"Hitler, the Beast cf Berlin" (G. N.)
"The Honeymoon's Over" (Indep.)
ORPHEUM—(919) (25c-35c-50c) 7 days, 2nd week. Gross: $1,500. (Average, $5,000)
"Andy Hardy Meets Debutante" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $7,100. (Average, $9,000)
"Anne of Windy Poplars" (RKO)
"Millionaire Playboy" (RKO)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $2,800. (Average, $5,000)

Legion Approves 10 of 11 New Features

The National Legion of Decency has approved 10 of the 11 films reviewed and classified for the current week, seven for general patronage and three for adults. One was condemned. The new pictures and their classification follow:

Class A-1, Unobjectionable for General Patronage—"Dancing on a Dime," "Mystery Sea Raider," 'Pier 13," "Rainbow Over the Range," "The Ramparts We Watch," "Stage to Chino," "Three Men from Texas." Class A-2, Unobjectionable for Adults—"Pride and Prejudice," "When the Daltons Rode," "The Villain Still Pursued Her." Class C, Condemned—"Souls in Pawn."

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 27 NEW YORK, U. S. A., WEDNESDAY, AUGUST 7, 1940 TEN CENTS

'U' Completes Retirement of British Loans

Obligations at Maximum Were $1,500,000

Universal has just completed the final payment in retirement of its British indebtedness, thus eliminating loan obligations which, at their maximum, amounted to approximately $1,500,000.

Nate J. Blumberg

At beginning of Universal's current fiscal year last Nov. 1, the British indebtedness amounted to $1,100,000. All payments in retirement of this obligation were made in the past nine months entirely out of Universal's blocked currencies in England.

In addition to repayment of the British loans, Universal's distribution revenue in Great Britain has per-

(*Continued on page* 4)

20th-Fox 26-Weeks Earnings $117,213

Earnings of 20th Century-Fox Film Corp. for the first 26 weeks, this year, were brought down to $117,213, after all charges, as a result of the second quarter operating loss which the company sustained, amounting to $236,163. Figures are as of June 29. No portion of the earnings of National Theatres, chief theatre subsidiary of the company, is included in these figures, since no dividends have been declared by that corporation.

A special reserve of $700,000 is included in the figures for the second quarter.

For the first 26 weeks in 1939, 20th Century-Fox showed a profit of $2,325,525, and a profit of $1,101,275 was shown for the second quarter of 1939.

Gross income from film sales for the first half of this year was $23,934,628.96; amortization of production and other costs, $15,760,572.16; operating expenses of exchanges, home office and administrative expenses, $5,488,394.43; participation in film rentals, $2,054,415.34.

Net operating profit before interest, depreciation and federal taxes was $323,110.80.

Circuits Weigh 5-Year 'Protective' Film Deals

Fear of Consent Decree Impels Theatre Men To Seek Product Pacts with United Artists, Columbia and Universal

Executives of major company circuits, among whom are Paramount's theatre partners, are reported considering acceptance of five-year product deals from Universal, Columbia and United Artists as a protective measure against the proposed consent decree.

These theatre men, who have objected to the terms of the proposed decree and fear its possible consequences upon their company operations, in considering these product deals from the isolationist companies are actuated by the feeling that the flow of product to their theatres may be disturbed by the decree.

Therefore, they feel that these prospective five-year product deals will provide their theatres with a sufficient backlog to meet any possible interruption of the flow of product, in the event that the consent decree is finally adopted.

Such deals as are being considered, spokesmen aver, will be made prior to the effective date of the proposed decree, Sept. 1, 1941.

Associates of the big circuits describe the feeling among the operators of these chains as strong enough even to impel them to consider investing financially in these hold-out companies in order to be assured of the fulfillment of these prospective long-term film transactions.

They are stated to be ready to provide funds with which the isolationist companies will be able to expand their studio facilities, talent rosters and story supply, to guarantee delivery under the five-year pacts.

Additionally, these theatre men feel, authorities assert, that with a sufficient backlog of product assured, they will have no need to fear the consequences of the proposed decree, while at the same time they will be strengthened in any dealings in the future with the Big 5.

Pact Decision Due This Week

Late last night, company representatives stated that a decision on the consent decree proposals by 20th Century-Fox and Paramount may not be made until Friday and possibly Saturday.

During the day, Sidney R. Kent, president of 20th Century-Fox, and Barney Balaban, president of Paramount, continued their separate studies of the proposed settlement agreement with their associates. Neither came to a definite conclusion. Spokesmen aver that this delay in reaching a decision on the proposed pact by 20th Century-Fox and Paramount can be assumed as implying

(*Continued on page* 4)

Bondy May Decide RKO Fees by Aug. 15

Inasmuch as Federal Judge William O. Bondy expects to leave on his vacation about Aug. 15, parties in interest to the RKO case feel that his decision on the applications for allowances may be made before that date. Applications for allowances for services rendered to RKO during reorganization proceedings totaled $1,732,984. The SEC and special counsel for RKO have asked the court to cut these allowances to a total in the neighborhood of $600,000.

Atlas RKO Holdings 'Satisfactory':Odlum

Atlas Corp.'s investments in RKO and its similar major holdings "have generally speaking shown satisfactory progress" during the six months ended June 30, Floyd B. Odlum, president of Atlas, stated in a letter to stockholders yesterday.

The Atlas report for the six months, issued at the same time, shows investments of approximately $4,000,000 in film securities, of which more than $3,000,000 is in RKO first preferred and common stock. The RKO holdings consist of 832,418 shares of common stock with a market value on June 30

(*Continued on page* 4)

'Film Actors Are Patriots,' Guild Retorts to Charges of Communism

Los Angeles, Aug. 6.—Blasting the implied aspersions which have been cast against actors generally during the current communist probe by the Los Angeles County Grand Jury, the Screen Actors Guild directors today declared, "Actors have proved that no more patriotic, no more American group exists in this nation."

This statement came upon the heels of disclosure that only two players, one director and two writers were summoned by the grand jury to testify about alleged communist infiltration in Hollywood organizations.

Reported to have been called by the grand jury are Gale Sondergaard, Lionel Stander, Herbert Biberman, Clifford Odets, Sam Ornitz and Mrs. Sam Ornitz.

Washington, Aug. 6.—Officers and members of Actors Equity who would welcome an investigation by the Dies Committee of communistic influences in the American theatre are being restrained by others who wish to avoid such a probe, it was charged today by Rep. W. P. Lambertson.

'Brigham' Premiere In Salt Lake Aug. 23

World premiere of "Brigham Young" will be held in Salt Lake City Aug. 23 at four theatres, following which there are planned a number of key city runs at advanced prices.

This was disclosed yesterday by Charles E. McCarthy, 20th Century-Fox director of advertising and publicity, following his return from the Coast where he conferred with Darryl F. Zanuck, production chief, and Her-

(*Continued on page* 4)

20th Century-Fox Buys 'Tobacco Road'

Hollywood, Aug. 6.—"Tobacco Road," hillbilly drama which has been running six and a half years on Broadway, has been purchased by 20th Century-Fox for a picture. The deal was consummated after several months of dickering in which Warners also figured as a prospective purchaser.

Injunction Sought On 'Pastor Hall'

An injunction to restrain United Artists and James Roosevelt from distributing "Pastor Hall" is asked in a damage and accounting action filed in U. S. District court here yesterday by George Garfield, administrator of the estate of the late Ernst Toller.

Defendants named in the action in addition to United Artists and Roosevelt are Charter Film Prod., Ltd., Grand National Pictures, Ltd., and H. E. R. Laboratories.

In his complaint, Garfield asserts that Charter Film Prod. infringed Toller's copyrighted dramatic composition known as "Pastor Hall," and that the other defendants are distributing the production here and in England.

Pickford Relief Film

HOLLYWOOD, Aug. 6.—Mary Pickford is compiling a "cavalcade" of her films which will be shown for the benefit of the Canadian War Relief Fund. She is a native of Toronto.

Personal Mention

LEON NETTER, Paramount home office theatre executive, left yesterday for a week of meetings with Paramount theatre associates in the South, including R. B. WILBY, CARL BAMFORD, S. A. LYNCH, E. J. SPARKS and LUCAS & JENKINS circuit officials.

•

WALTER WANGER and JOAN BENNETT will arrive from the Coast by plane today. He plans to begin a tour of key cities toward the end of next week.

•

LYNN FARNOL, United Artists advertising and publicity director, returns from the Coast today.

•

JOSEPH HORNREICH, manager of the Empire, Brooklyn, and ROSE GLICKMAN are to be married Aug. 18.

•

PETER PERAKOS, exhibitor of New Britain and Thompsonville, Conn., is on a fishing trip on his cruiser, *Happy*.

•

EARLE G. HINES, president of General Theatres Equipment and International Projector Corp., has returned from the Coast.

•

WALTER J. LYNCH is vacationing in Colorado.

•

STEVE BARSANSKY of New Haven, is vacationing in New Hampshire.

•

BARNEY OLDFIELD, Lincoln, Neb., film critic and reserve Captain, is on maneuvers at Camp Riley, Minn. DEAN POHLENZ is substituting on the *Sunday Journal* and *Star*.

JAMES R. GRAINGER, president of Republic, left for Detroit yesterday. He will return next Tuesday following stopovers at Chicago, Buffalo and Boston.

•

EDWARD A. GOLDEN, Monogram sales chief, currently on a sales tour, arrives in Buffalo from Albany today.

•

CHARLES E. MCCARTHY, MONROE GREENTHAL, WILLIAM F. RODGERS, SAM SHAIN, TED O'SHEA, RUSSELL HOLMAN, JOHN D. HERTZ, JR., WALTER READE, JR., MORRIS KINZLER, JOHN W. HICKS, FRED LANGE, GEORGE WELTNER and HARRY GOLD at Nick's Hunting Room in the Astor for lunch yesterday.

•

ARTHUR GOTTLIEB, IRVING BERLIN, AL YOUNG and JACK GOETZ at Lindy's (51st St.) yesterday for lunch.

•

MAX WEISFELDT, SOL EDWARDS and RUBE JACKTER lunching at Lindy's (next to the Rivoli) yesterday.

•

BEN WASHER, VERNON DUKE, BORIS KAPLAN, AL ALTMAN, NAT KARSON, MORT SPRING, JOSEPH ROSTHAL, ARTHUR KRECKE and JOHN GOLDEN at Sardi's yesterday for lunch.

•

LOU POLLOCK, MAURICE BERGMAN, WILLIAM FITELSON, BEN JACOBSON and IRVING MARGOLIES at the Tavern yesterday for lunch.

•

M. A. SILVER, Albany zone manager for the Warner Circuit, and MRS. SILVER have been entertaining friends at their Schroon Lake lodge.

•

MARCEL PAGNOL, French director, has canceled plans to come to this country.

•

ELIZABETH KNICKERBOCKER of the Colonial, Canaan, Conn., is vacationing at Milford Beach.

•

ROSE ROMANOFF of Universal's New Haven office, is vacationing in the Catskills.

Carroll Resigns as T.M.A.T. Union Head

Charles P. Carroll has resigned his post as national chairman of the Motion Picture Division of Theatrical Managers and Agents Union and is now director of advertising and publicity for Philadelphia Gardens, a sports amphitheatre, in Philadelphia.

Pending reorganization of the union, expected some time this Fall, the office of national chairman will remain unfilled.

William Silcock Dies

MILWAUKEE, Aug. 6.—William Silcock, 53, former head of Lake Geneva-Delavan Theatres, Inc., is dead at Lake Geneva. Silcock, who sold his two houses three years ago to Standard Theatres, is survived by his wife and four sons.

Scully Touring on Deals

William A. Scully, general sales manager of Universal Pictures, left yesterday for Charlotte, Asheville and Atlanta on circuit deals. He will return over the weekend.

Newsreel Parade

THE controversial issue of material aid for England is generously treated in the newsreels as General Pershing is seen voicing approval and Col. Charles A. Lindbergh expressing opposition to such aid. The principal news from the war front is a Nazi air raid on a British convoy. Here are the contents:

MOVIETONE NEWS, No. 95—En[illegible] King inspects home guard; naval [illegible] on land patrol; new armored cars for the army; air heroes honored; coast defense guns in action and a convoy bombed in the Channel. Pershing and Lindbergh on the neutrality question. Fashions. New flood control project in Mississippi. Aquaplane race on the Coast.

NEWS OF THE DAY, No. 93—Britain set for invasion. Nazi planes bomb British convey. Lindbergh and Pershing in war debate. School for parachute troops in New Jersey. Tennis matches. Aquaplane race.

PARAMOUNT NEWS, No. 98—Train wreck in Ohio. Drama students tour in trailer theatre. Army and National Guard troops off for maneuvers. Parachute training in New Jersey. Pershing and Lindbergh. Nazi attack on convey. German planes downed on English coast.

RKO PATHE NEWS, No. 110—Pershing and Lindberg. British convoy attacked. Parachute troops trained. College drama students tour in portable theatre. Memorial ceremony for dead air hero in England. Aquaplaning at Catalina.

UNIVERSAL NEWSREEL, No. 899—Coast Guard observes anniversary. Parachute troops trained in New Jersey. Pershing urges aid for Britain. British flying boat arrives here. Willkie with party leaders in Colorado. Train wreck in Ohio. Aquaplane race at Catalina. Hat fashions in New York. Nazi bombers attack English convoy.

M-G-M Sets 4 More 'Boom Town' Tests

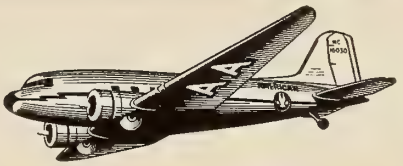
With four more pre-release test engagements on "Boom Town," M-G-M yesterday brought the number to 20. The additional dates include the Casino, Wildwood, N. J., and the Strand, Ocean City, N. J., both opening Thursday; Rialto, Williamsport, Pa., opening Friday, and the Ute, Colorado Springs, starting Aug. 13.

Lloyd on Durbin Tour

Garrett J. Lloyd, on tour for Universal on a national pre-selling campaign for Deanna Durbin in "Spring Parade," visited the home office yesterday. He will visit New Haven and Boston this week, following with upstate New York meetings. He will then travel West.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



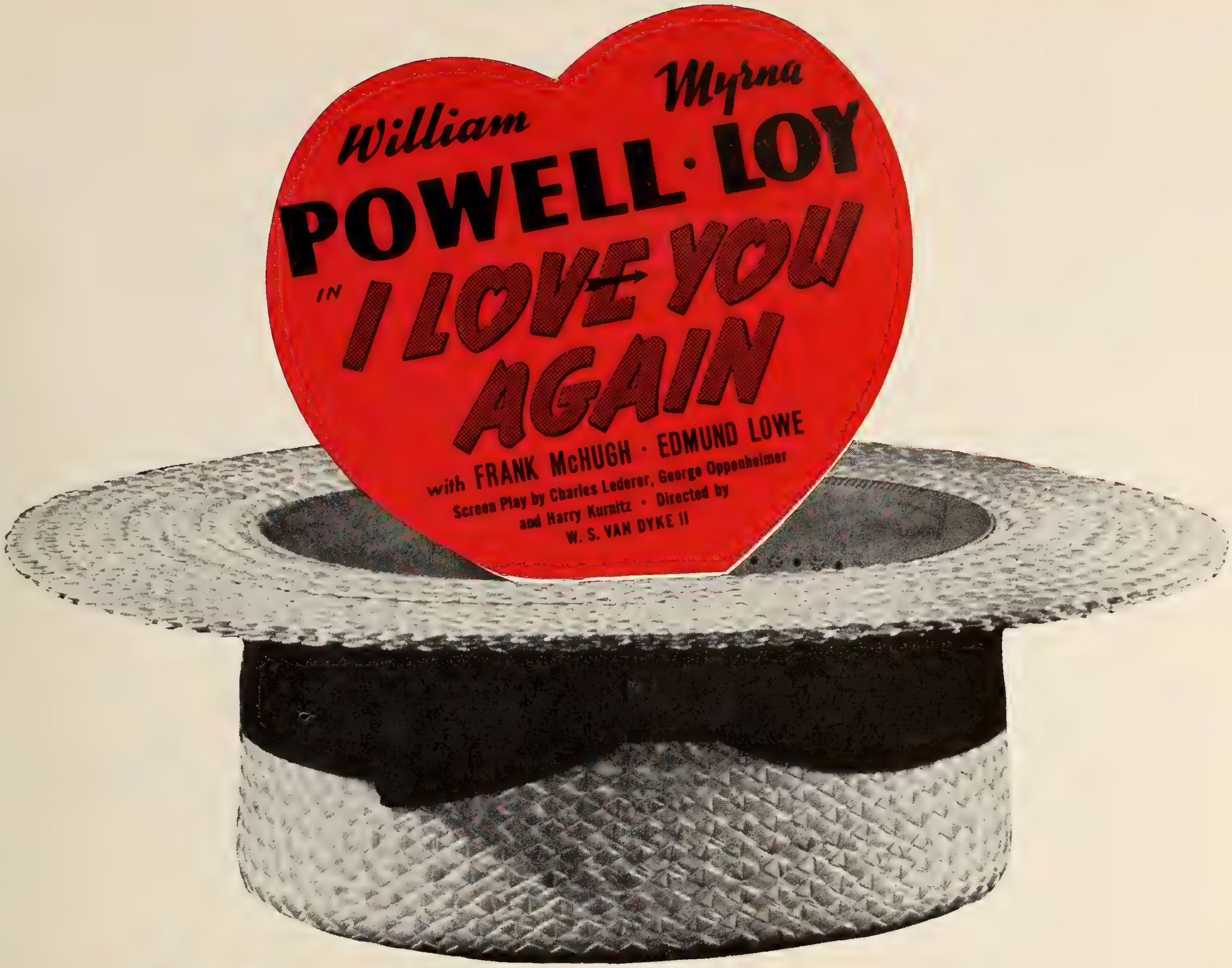
CALIFORNIA
TEXAS ★ ARIZONA

4 FLAGSHIPS DAILY COAST-TO-COAST

★ It's a delightfully cool overnight skysleeper trip to Los Angeles via American's Southern All-Year Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAvemeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES
The Sun Country Special 7:05 am
The Plainsman . . . 4:25 pm
The Mercury . . . . 5:10 pm
The Southerner . . . 10:15 pm
(Standard Time)
Twice Daily to
MEXICO CITY

AMERICAN AIRLINES Inc.
ROUTE OF THE FLAGSHIPS


William POWELL · Myrna LOY
IN
I LOVE YOU AGAIN
with FRANK McHUGH · EDMUND LOWE
Screen Play by Charles Lederer, George Oppenheimer
and Harry Kurnitz · Directed by
W. S. VAN DYKE II

PASTE THIS IN YOUR HAT!

TAKE a tip about "I Love You Again"!
M-G-M has made the
FUNNIEST picture this industry
HAS seen in 10 years!
BILL Powell, Myrna Loy are riotous!
IT'S bigger than the biggest Thin Man hit!
IT will convulse the nation and
ROCK your box-office!

(**FLASH!** The prophecy comes true. Detroit engagement of "I LOVE YOU AGAIN" is sensational! You're next!)

'U' Completes Retirement of British Loans

(*Continued from page* 1)

mitted it to withdraw all but $60,000 of the full amount to which it is entitled under the currency agreement between the industry and Britain which authorizes withdrawal of 50 per cent of film companies' British revenue.

This would indicate that Universal's British distribution revenue for the year ending Nov. 1, when the currency agreement expires, will be in excess of $2,000,000, reflecting a tremendous increase in the volume of Universal's British business during the past 18 months, under operations directed by Nate J. Blumberg, president.

The British financing for Universal was arranged by J. Cheever Cowdin, Universal board chairman, in 1936. It provided for a revolving credit of $1,000,000 maximum with the National Provincial Bank of London and a maximum of $500,000 with General Cinematograph Finance, the financial affiliate of the C. M. Woolf's General Film Distributors of London, in which Arthur Rank and Lord Portal are principals.

With the beginning this week of the final quarter of Universal's fiscal year the company's special amortization reserve to provide for contingencies resulting from increasing losses of foreign revenue has been increased from $8,000 per week to $10,000 per week, retroactive to Nov. 1, 1939. This special amortization reserve was established at $5,000 per week during the first quarter of the company's current fiscal year and was increased to $8,000 during the second quarter.

'Brigham' Premiere In Salt Lake Aug. 23

(*Continued from page* 1)

man Wobber, general manager of distribution.

Dates for the advanced price runs will be determined upon Wobber's return to New York at the end of this week.

The Salt Lake City premiere will include the Centre, Paramount, Utah and Capital theatres, with tickets for the opening at $1.10 top. The following day, the picture will start a regular run at the Centre at prices advanced 25 per cent matinees and one-third for evening performances. Tyrone Power, Linda Darnell and other studio players will attend the premiere.

Gene Buck Speaks at Los Angeles Meeting

LOS ANGELES, Aug. 6.—Gene Buck, Ascap president, reported on the Society's activities at a meeting of Hollywood members tonight at the Ambassador Hotel. Buck, who arrived last night from San Francisco and will leave tomorrow for New York, was presented a golf club set and bag as a birthday present. L. Wolfe Gilbert was temporary chairman.

Sees Educational Advance by Films

Vancouver, Aug. 6.—Motion pictures, in the next 15 years, may be as common in the educational system as are textbooks, according to Dr. Melvin Brodshaug, who is conducting a course in film technique at the University of British Columbia. Films are destined to advance the educational system by at least three years, he believes.

Atlas RKO Holdings 'Satisfactory':Odlum

(*Continued from page* 1)

of $2,497,256; 327,811 option warrants for RKO common valued at $122,929, and 29,881 shares of RKO first preferred, valued at $1,075,725.

Additional film holdings of Atlas Corp. include 3,400 shares of Paramount first preferred, valued at $231,200; 5,000 shares of Paramount second preferred, valued at $36,875, and 7,000 shares of General Theatres Equipment Corp. common, valued at $64,750.

The investment organization reports net profit of $3,920,055 for the six-months period. Net assets as of June 30 had a market value of $53,932,487.

$60,000 to 'Win War' In British Columbia

VANCOUVER Aug. 6.—Official returns released by the War Savings Committee here indicate that British Columbia tied for second place with the provinces of Nova Scotia and Quebec in the theatres' "Win the War" special performances on July 15. Theatres in the province raised about $60,000 for the war effort in sales of war savings stamps and certificates.

Penticton, with a population of 4,000 and a theatre seating 700, raised $3,386, an average of nearly $5 per seat.

In all, 47 communities in British Columbia participated in the "Win the War" drive, with more than 60 units staging special performances.

Get Distribution Rights

Screencraft Pictures have acquired national distribution rights to "Emperor Jones," originally released by U. A. in 1933.

Equity to Consider Shows on Sunday

With stagehands and musicians already on record in favor of Sunday shows for the legitimate stage in New York, Actors Equity yesterday placed the matter on a special order of business for the council meeting Aug. 20. At the same time, the council will consider demanding minimum wages of $50 weekly instead of the present $40.

The issue of Sunday shows was placed before the council by James R. Reilly, executive secretary of the League of New York Theatres, who declared that the stagehands' and musicians' unions had agreed to treat Sunday as any weekday for the new season and would not demand extra pay for Sunday.

The last major effort to establish Sunday shows here was during May of last year. At that time, Equity agreed to submit the issue to a referendum of its membership provided the craft unions would also waive their right to extra pay. When the craft unions refused, Equity abandoned its referendum. At present, Equity requires two days' pay for work on Sunday.

SPG Lines Up Aid In Republic Dispute

LOS ANGELES, Aug. 6.—The Screen Publicists Guild today started enlisting the aid of other guilds and labor organizations for support of a possible strike at the Republic studios because of the alleged refusal by Republic to sign a Guild wage scale pact for five publicity department workers.

Notification was given by the Moving Picture Painters Local 644 to the Publicists Guild executive board that their members would not cross picket lines.

A meeting is scheduled tomorrow with the Hollywood Guild Council, composed of representatives of various unaffiliated units.

Chicago Operators Against Wage Cuts

CHICAGO, Aug. 6.—John Smith, president of the Chicago operators' union, has announced that negotiations for new contracts with theatres will start Aug. 14. He again affirmed that no requests for reductions will be considered.

Work Under Way on Picture By British Firm in Canada

VANCOUVER, Aug. 6.—A technical crew directed by John Seabourne has been two weeks in Vancouver filming scenes for Ortus Films' "49th Parallel" feature, being made in cooperation with the British and Canadian governments. This is the first feature to be made in Canada in some years.

Chief cameraman is O. H. Borradaile, who worked on Korda's "Four Feathers," and "Thief of Bagdad." Other former Korda technicians include cameraman J. H. Welch on special effects and Freddie Young, who handled camera work on "Goodbye Mr. Chips."

Director Michael Powell and half the English company are working East from Banff, Alta., while the group working on the Pacific Coast is completing sequences here. Associated Screen News, Ltd., of Montreal has loaned Robert J. Martin, cameraman, to the producing company, and has provided assistance of Lucien Roy and Arnold Hague, newsreel crew, for work in the West.

Elizabeth Bergner, Leslie Howard and Raymond Massey are to take leading roles, with a number of Canadian actors and actresses engaged for minor roles. Story is by Emeric Pressburger.

Pact Decision By Two Firms Due This Week

(*Continued from page* 1)

that each of the two firms is disinclined to accept the presently proposed terms.

Paramount's theatre partners are reported standing by for a call to a second meeting in New York to further consider their stand on the proposed consent decree in settlement of the Government's New York anti-trust suit. Call for the meeting will be issued by R. B. Wilby, chairman of the partners' decree committee. The meeting may be held early next week.

Wilby is expected in New York early next week. E. V. Richards, head of the Saenger Circuit, has been here several days and R. J. O'Donnell of the Interstate Circuit is due here this weekend and will stand by for the meeting. A number of others are expected to attend.

At the same time, Department of Justice officials were weighing the proposed draft in Washington.

Will Hays Reports To Producers' Ass'n

HOLLYWOOD, Aug. 6.—Will Hays was the principal speaker at the monthly meeting last night of the Motion Picture Producers Association. He gave a resume of industry conditions here and abroad. Attorney Homer Mitchell reported on the recent proceedings held before the Wages and Hours Administrator in Washington, when reclassification of various employes was sought.

Cooperation was pledged by the producers with the American Council of Public Relations session at the University of California, Los Angeles branch, next week.

Wilmer, Vincent Win Shubert Examination

Examination before trial of Lee Shubert was set for Aug. 15 in N. Y. Supreme Court yesterday in the $25,000 damage and accounting action brought by Sidney Wilmer and Walter Vincent against the Shuberts.

The action alleges that Wilmer and Vincent turned over to the Shuberts their rights to the operetta, "Countess Maritza," in 1924 for 10 per cent of the net profits from the stage and screen presentations of the work. They allege that profits now exceed $250,000 and that they never received any payments.

Greene Out of Film

HOLLYWOOD, Aug. 6. — Richard Greene today was dropped from the cast of "Hudson's Bay Company," 20th Century-Fox film. Darryl F. Zanuck decided not to use Greene because he is subject to call as a volunteer for the British Army.

S. I. Holds Board Meet

A routine meeting of the board of directors of Selznick International Pictures was held at the company's New York office yesterday. Attending were David O. Selznick, Myron Selznick, Robert Lehman and Lloyd Wright.

Showmanship Flashes . . .

Shoe Filling Contest For 'Favorite Wife'

SUPERIOR, Wis., Aug. 6.—Roy McMinn conducted a shoe filling contest in the lobby of the Beacon here as a plug for "My Favorite Wife." Couples were invited to fill each other's shoes and those able to make their way into the inner theatre foyer in their mate's footwear were awarded f[illegible] passes.

Bowl of Pearls Is Promotion on 'Pago'

KANSAS CITY, Aug. 6.—A "bowl of pearls" was used in a promotion stunt worked out by Robert Kail of the Midland for "South of Pago Pago." Diamant's Jewelry Store filled a goldfish bowl in the window with pearls. Passersby guessed the number. Winners were awarded two necklaces of artificial pearls and eight pairs of guest tickets to the Midland.

Film Astrology Contest Used on 'Mortal Storm'

E. M. Dock, manager of the Casion, Vandergrift, Pa., used a film astrology contest in his campaign on "The Mortal Storm." Patrons were asked to identify the film's stars and to name the last two pictures in which each appeared, with guest tickets awarded for the best answers.

Polished Coal Exploits "Black Diamonds"

BRIDGEPORT, Aug. 6.—Exploiting "Black Diamonds," Harry Rose, manager of the Globe, displayed in the lobby pieces of polished coal. An "armed" guard also was on hand.

Warners Aid Exhibitors On Advance Campaigns

Warners has started a plan to assist exhibitors in early preparation on campaigns for the company's films. Advance proof sheets of the ad and scene stills will be speeded to exchanges, field men and theatre men several weeks before the regular pressbook on the feature The plan will be inaugurated on "River's End."

New Exploitation Service by Metro

The M-G-M publicity and advertising department has developed a new service, known as "Key Town Topics," which is in the form of a newsletter containing exploitation ideas. The work is under the supervision of Art Schmidt, publicity manager, and is designed to give first run metropolitan theatres special features and ideas developed after the regular press book has gone out. The same new material is then made available to subsequent runs through a press book supplement.

Ice Cream Dealer Furnishes Programs

WILKES-BARRE, Aug. 6. — Nine suburban Comerford houses have tied up with a local ice cream dealer whereby the latter furnishes the weekly theatre program with each sale.

Stuffed Animals Promote 'Leopard Men'

WILKES-BARRE, Aug. 6. — During the showing of "Leopard Men of Africa" at the Penn here, Manager John Galvin tied up with a local truck dealer to carry a stuffed elephant and a tiger on the chassis. A stuffed water buffalo was displayed in front of the theatre.

Suggested 'Hardy' Plots Used on Film

CLEVELAND, Aug. 6.—Suggestions for a plot for the next "Hardy Family" picture were the basis of a contest sponsored by Loew's State in the *Cleveland News* to plug "Andy Hardy Meets Debutante." A total of $50 in prize money and 50 pairs of tickets to the State were offered by Manager Ed Steinbuck.

Rockne Scroll to Aid Warner Film on Coach

A large, engraved scroll containing the "Knute Rockne Sportsman's Code" will be circulated through every major college in the country for the signatures of players on all teams. The completed scroll will be presented to Notre Dame University by Warners as part of the ceremonies at the opening of the Warner film, "Knute Rockne—All American."

Broadside Issued On "Thief of Bagdad"

An effective broadside has been prepared by the United Artists publicity and advertising department for Alexander Korda's "The Thief of Bagdad." The broadside has gone out to 15,000 exhibitors, radio columnists, newspaper critics and publishers. It will be followed up later by another outlining a national magazine campaign.

Toronto Independents Urge Unit Shows to Fight Duals

TORONTO, Aug. 6.—Over the names of H. Alexander, president, and Nat Taylor, vice-president, the Independent Theatres Association, Toronto, has issued a statement calling on the producers and distributors to organize a unit show policy as a substitute for double-feature bills, which are condemned as ruinous to patronage with many admissions lost for subsequent runs because patrons have seen one or other films of the dual program.

The challenge is held out to the industry to produce a unit show which would be sold intact to all theatres, running not more than two hours, to which the individual exhibitor could add a newsreel or cartoon of his choice. It is recommended that the unit show should consist of one strong feature and a featurette in which there would be a box-office name or story attraction, with both to be sold on a set percentage or rental, a portion of which would be credited to the short feature. It is urged that such a program would wean the public from out-and-out double bills which they have been taught to expect and from which they could not be drawn without losses over a considerable period. Incidentally, the declaration is made that exhibitors know from experience that two features of fair quality draw more than one feature of very good quality.

According to the statement, the exhibitor would not run his show as a double bill and it would not prove to be too long while patrons would not have to sit through a long feature in order to see what they wanted. The condensed running time would enable theatres to secure a better turnover, better business would result for the theatres and, in turn, for the distributors and producers, the statement says, "A great deal of business which is now being lost because people have seen one picture of a double bill will be regained," the statement reads. "A better motion picture industry will be born."

The ITA declares that producers, distributors and exhibitors are all blaming each other for double bills but that "all are to blame to some extent." Double bills lead to a repetition of plots, mediocrity and loss of interest on the part of the public, resulting in cut-throat competition of all kinds, it is stated, and "it must all end in an industry cataclysm." The challenge is issued to the producers and distributors to try the unit show plan and the question is asked as to who will accept.

Republic-RKO Deal

The RKO Metropolitan Circuit has closed for 50 per cent of Republic's 1940-41 production line-up.

Open New York Branch

F. Logan Thomasson Laboratories of Hollywood, makers of Sun-lamps, have opened a factory branch at 63 West 46th St., to handle distribution in the East.

Special Drive-In Space for Doctors

Milwaukee, Aug. 6. — The Drive-In-Theatre just west of the city accords doctors a reserved space, the location of which is recorded, so that they can be reached in the event of an emergency call. Robert Gross, manager of the theatre, has advised doctors within a 25-mile radius by mail of this accommodation.

"Pago Pago" Paces Milwaukee $6,000

MILWAUKEE, Wis., Aug. 6.—"South of Pago Pago" and "The Man Who Talked Too Much" were the best grossers in a week with five days of torrid temperatures with a $6,000 take at the Warner. Only other bill to beat par was "Love, Honor and Oh, Baby!" with Bill Carlsen's band at the Riverside.

Estimated takings for the week ending July 30-Aug. 1:

"Banjo on My Knee" (20th-Fox)
"Golden Gloves" (Para.)
PALACE—(2,400) (30c-40c-55c) 5 days. Gross: $2,800. (Average, $4,000)
"Love, Honor and Oh, Baby!" (Univ.)
RIVERSIDE—(2,700) (28c-33c-44c) 7 days. Stage: Bill Carlsen and his orchestra. Gross: $7,000. (Average, $6,500)
"Maryland" (20th-Fox)
"Untamed" (Para.)
STRAND—(1,400) (30c-40c-55c) 7 days. Gross: $1,200. (Average, $1,500)
"South of Pago Pago" (U. A.)
"The Man Who Talked Too Much" (W.B.)
WARNER—(2,400) (30c-40c-55c) 7 days. Gross: $6,000. (Average, $4,500)
"We Who Are Young" (M-G-M)
"Gold Rush Maisie" (M-G-M)
WISCONSIN—(3,200) (30c-40c-55c) 7 days. Gross: $5,500. (Average, $5,500)

McGINTY'S
walking away with everything!
"Orchids to 'The Great McGinty'!"
—says
WALTER WINCHELL,
famous newspaper and radio columnist.
"A masterpiece. Don't let it slip by!"
—says
JIMMIE FIDLER,
famous Hollywood newspaper and radio correspondent.
"THE GREAT McGINTY"
Paramount Pictures

'Hardy' Hub Hit As Heat Hits Others

BOSTON, Aug. 6.—Loew's Orpheum and State, garnering $21,300 and $14,900 with "Andy Hardy Meets Debutante," led an otherwise poor week which saw business slump as much as 25 per cent as the result of record heat and humidity.

Estimated takings for the week ending July 31:

"Millionaires in Prison" (RKO)
"Black Diamonds" (Univ.)
KEITH BOSTON—(3,200) (15c-20c-35c-40c) 7 days. Gross: $6,000. (Average, $8,000)
"When the Daltons Rode" (Univ.)
"Anne of Windy Poplars" (W. B.)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: $13,500. (Average, $16,000)
"Maryland" (20th-Fox)
"Golden Gloves" (Para.)
METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days. Gross: $13,000. (Average, $15,500)
"All This and Heaven, Too" (W. B.)
"Pop Always Pays" (RKO)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $5,500. (Average, $7,500)
"All This and Heaven, Too" (W. B.)
"Pop Always Pays" (RKO)
FENWAY—(1,320) (25c-35c-40c-55c) 7 days. Gross: $3,500. (Average, $4,500)
"My Favorite Wife" (RKO)
"Untamed" (Para.)
SCOLLAY—(2,500) (25c-35c-40c-55c) 7 days. Gross: $3,200. (Average, $4,000)
"Andy Hardy Meets Debutante" (M-G-M)
"The Captain Is a Lady" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: $14,900. (Average, $12,000)
"Andy Hardy Meets Debutante" (M-G-M)
"The Captain Is a Lady" (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: $21,300. (Average, $17,500)

'Heaven' Smash Hit In Buffalo, $15,200

BUFFALO, Aug. 6.—"All This, and Heaven, Too" was a smash hit in its first week at the Buffalo with $15,200. "I Married Adventure," coupled with "Girls of the Road," brought a good $5,700 to the Lafayette. "Sporting Blood" and "Gold Rush Maisie" were strong at the Great Lakes with $6,500.

Estimated takings for the week ending Aug. 3:

"All This, and Heaven Too" (W. B.)
BUFFALO—(3,489) (35c-40c-60c) 7 days. Stage: D'Artega & orchestral ensemble, Meyer Balsom, The Hansonettes, Nina Allen, Bono and Anthony Militello. Gross: $15,200. (Average, $12,000)
"Sporting Blood" (M-G-M)
"Gold Rush Maisie" (M-G-M)
GREAT LAKES—(3,000) (35c-55c) 7 days. Gross: $6,500. (Average, $7,500)
"Walt Disney's Festival of Hits" (RKO)
"Grand Old Opry" (Rep.)
HIPPODROME—(2,100) (30c-40c) 7 days. Gross: $4,500. (Average, $6,800)
"Flight Angels" (W. B.)
"A Fugitive from Justice" (W. B.)
TWENTIETH CENTURY—(3,000) (30c-40c) 7 days. Gross: $4,600. (Average, $7,500)
"I Married Adventure" (Col.)
"Girls of the Road" (Col.)
LAFAYETTE—(3,000) (30c-40c) 7 days. Gross: $5,700. (Average, $6,300)

British Relief Show

Screen, stage and radio personalities participated in a benefit at the Winter Garden last night sponsored by the British War Relief Society. Auriol Lee, woman stage and film director, was in charge of the show, assisted by Betty and Stella Doyle.

Tanney Forms Company

Saul Tanney, former vice-president of S. O. S., has formed his own company to deal in theatre equipment and starts operations this week under the name of Star Cinema Supply Co.

Hollywood Reviews

"Slightly Tempted"

(Universal)

HOLLYWOOD, Aug. 6.—This comedy of a crook at large with honest motives, the precise nature of which are not divulged until the end, gives Hugh Herbert one of his best opportunities to exercise his characteristic talent. He enters the picture by way of a penitentiary, in which he has served a term for an undisclosed offense, and leaves it after achieving a number of righteous objectives for others by means commonly employed on the side of crime. It is a neat job of acting, adroit composition and production.

Assisting Herbert in the film, which he dominates, are Peggy Moran as his daughter, Johnny Downs as her sweetheart, Elizabeth Risdon as a woman of means, George E. Stone as an unredeemed crook, Gertrude Michael, Robert Emmett Keane, Harry C. Bradley, Harry Holman, Walter Soderling and William Newell.

Although not a big picture, the film entertained a midweek preview audience steadily. It is a Ken Goldsmith production, directed by Lew Landers, both gentlemen acquitting themselves expertly. Arthur T. Horman wrote the screen play, to which the film owes much, from a story by Max Marcin and Manual Seff.

Running time, 61 minutes. "G."* ROSCOE WILLIAMS

"The Girl from Avenue A"

(20th Century-Fox)

HOLLYWOOD, Aug. 6.—Your correspondent's Withers-aged daughter, who attended a preview of this picture with him, told him afterward that it was "swell." He reports this circumstance at this point because this opinion is at variance with his own and, so far as ear could detect, that of most adults present, who seemed to feel that the film lacked some of the sparkle and "go" that have distinguished Jane Withers' past vehicles.

The picture is a version of "The Brat," a stage play by Maude Fulton which has been borrowed from too often by too many picture-writers for its own good. Basic situation is that familiar one in which a writer takes a street-waif into his home to study her for purposes of writing pieces—the guinea-pig idea—and from this setup flow a more or less familiar variety of developments.

Present with Miss Withers in the enterprise are Kent Taylor, Katharine Aldridge, Elyse Knox, Laura Hope Crews, Jessie Ralph, Harry Shannon, Vaughan Glaser and others. The screen play is by Frances Hyland, direction by Otto Brower.

Running time, 71 minutes. "G."* ROSCOE WILLIAMS

**"G" denotes general classification.*

'Romance,' Tucker $25,000 in Baltimore

BALTIMORE, Aug. 6.—Grosses at the downtown theatres this week are better with "Cross-Country Romance," Orrin Tucker's orchestra and Bonnie Baker attracting tremendous crowds at the Hippodrome.

Estimated takings for the week ending Aug. 1:

"Pride and Prejudice" (M-G-M)
CENTURY—(3,000) (15c-28c-44c) 7 days. Gross: $12,000. (Average, $10,000)
"Cross Country Romance" (RKO)
HIPPODROME—(2,205) (15c-28c-39c-44c-55c-66c) 7 days, with vaudeville including Orrin Tucker and Bonnie Baker. Gross: $25,000. (Average, $14,000)
"When the Daltons Rode" (Univ.)
KEITH'S—(2,406) (15c-28c-33c-44c) 7 days, 2nd week. Gross: $8,000. (Average, $9,000)
"Gold Rush Maizie" (M-G-M)
NEW—(1,581) (15c-28c-35c-55c) 7 days. Gross: $6,000. (Average, $7,000)
"All This, and Heaven Too" (W. B.)
STANLEY—(3,280) (15c-28c-39c-44c-55c) 7 days, 3rd week. Gross: $9,000. (Average, $12,000)

Barto Heads AGVA

Dewey Barto of the cast of "Hellzapoppin' has been appointed permanent president of the American Guild of Variety Artists, succeeding Jay Flippen. Barto has been acting president.

Omaha Grosses Good; 'They Drive' $5,300

OMAHA, Aug. 6.—"They Drive by Night" and "Pop Always Pays," dualled at the Brandeis, pulled a dandy $5,300 for best of a good week and the bill was held over. Extreme temperatures boosted business somewhat, but return to normal summer weather put grosses in a slump.

Estimated takings for the week ending Aug. 1-2:

"They Drive By Night" (W. B.)
"Pop Always Pays" (W. B.)
BRANDEIS—(1,200) (30c-40c-44c) 7 days. Gross: $5,300. (Average, $4,000)
"Untamed" (Para.)
"Gambling on the High Seas" (W. B.)
OMAHA—(2,000) (30c-44c) 7 days. Gross: $6,400. (Average, $6,000)
"Turnabout" (U. A.)
"I Was an Adventuress" (20th-Fox)
ORPHEUM—(3,000) (30c-44c) 7 days. Gross: $6,200. (Average, $7,200)

Schaindlin Scores Short

Jack Schaindlin has composed and will conduct the synchronization of an original score for Columbia's latest travelogue short subject, "Historic Virginia." The scoring will take place this week at the Eastern Service Studios. Harry Foster supervised the film editing.

'They Drive' $14,200 Leads Philadelphia

PHILADELPHIA, Aug. 6.—The heat wave had a devastating effect on the box-office all week with moviegoers seeking out the nearby seashore resorts and the downtown area looking like a lost city. The little business that was done came from those seeking escape in air-conditioned houses. The best business was registered at the Fox, "They Drive By Night" bringing in $14,200.

Estimated takings for the week ending July 31-August 2:

"The Ghost Breakers" (Para.)
ARCADIA—(600) (35c-46c-57c) 7 days, 3rd run. Gross: $3,400. (Average, $2,600)
"All This and Heaven, Too" (W. B.)
BOYD—(2,400) (35c-41c-46c-57c-68c) 7 days, 2nd week. Gross: $10,000. (Average, $13,000)
"Untamed" (Para.)
EARLE—(4,000) (35c-41c-46c-57c-68c) 7 days. Gross: $6,000. (Average, $14,000)
"They Drive by Night" (W. B.)
FOX—(3,000) (35c-41c-46c-57c-68c) 7 days. Gross: $14,200. (Average, $13,000)
"My Love Came Back" (W. B.)
KARLTON—(1,000) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $2,200. (Average, $3,000)
"Andy Hardy Meets Debutante" (M-G-M)
KEITH'S—(2,200) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $3,200. (Average, $4,500)
"Maryland" (20th-Fox)
STANLEY—(3,700) (35c-41c-46c-57c-68c) 7 days. Gross: $9,800. (Average, $14,000)
"You're Not So Tough" (Univ.)
STANTON—(1,700) (35c-46c-57c) 7 days. Gross: $3,000. (Average, $4,500)

Night Baseball Hits Seattle Box Office

SEATTLE, Aug. 6.—"How to Undress With Finesse" on the stage of the Palomar theatre this week with "Wagons Westward" and "Tomboy" took top honors, going about $400 over the house's $5,000 average. The week was otherwise dull, with "Gold Rush Maise" at the Fifth Avenue the only other attraction to show much appeal. Weather was cooler, but night baseball again took a strong toll, after a three-week absence.

Estimated takings for the week ending August 2:

"Walt Disney Festival Show" (RKO)
BLUE MOUSE—(950) (30c-40c) 7 days. Gross: $3,100. (Average, $4,000)
"Gold Rush Maisie" (M-G-M)
"We Who Are Young" (M-G-M)
FIFTH AVENUE—(2,500) (30c-40c-50c-65c) 7 days. Gross: $6,400. (Average, $6,400)
"Lost Horizon" (Col.)
"The Awful Truth" (Col.)
LIBERTY — (1,800) (30c-40c-50c-65c) 7 days, 2nd week. Gross: $3,800. (Average, $5,000)
"Andy Hardy Meets Debutante" (M-G-M)
"Phantom Raiders" (M-G-M)
MUSIC BOX—(950) (30c-40c-50c-65c) 7 days, 3rd week. Gross: $3,000. (Average, $4,000)
"Sporting Blood" (M-G-M)
"Charlie Chan's Murder Cruise" (20th-Fox)
ORPHEUM—(2,450) (30c-40c-50c) 7 days. Gross: $5,100. (Average, $6,000)
"Wagons Westward" (Rep.)
"Tomboy" (Mono.)
PALOMAR—(1,500) (25c-30c-50c) 7 days. "How to Undress With Finesse" on stage. Gross: $5,400. (Average, $5,000)
"When the Daltons Rode" (Para.)
"Those Were the Days" (Para.)
PARAMOUNT — (3,050) (30c-40c-50c) 7 days. Gross: $4,900. (Average, $6,000)

Schreiber Renews Altec

Alex Schreiber, president of Associated Theatres, Detroit, has renewed service contracts with Altec Service Corp. F. C. Dickely negotiated for Altec.

Theatre Changes

Takes Upstate Theatres

UTICA, N. Y., Aug. 6.—Lawrence T. Carkey, Utica exhibitor, has taken over theatres at Norwood and Norfolk ormerly owned by Amos Curry. Carkey's main theatre is the Family, Utica. A Rochester syndicate will ake over Carkey's Carole here.

Opens Theatre in Faust

ALBANY, Aug. 6.—Harry Savett, who operates theatres throughout the Albany territory, has now opened the Adirondack in Faust, formerly operated by Charles Girard. Faust is in the "16mm. belt," where the itinerant exhibitors have been flourishing due to dark theatres.

Opens Open Air House

MIDDLETOWN, Conn., Aug. 6.—A new 850-seat open air house has been opened by Maria A. Adorno, wife of the former theatre operator here. The theatre was built and equipped last summer, but had been constantly involved in litigation and unable to operate.

Laidlaw Acquires Plaza

SEATTLE, Aug. 6.—Charles T. Laidlaw, owner of the Liberty, Dayton, Wash., has acquired the Plaza in Waitsburg.

Bennetts Purchase Rex

SEATTLE, Aug. 6.—Mr. and Mrs. M. C. Bennett, operators of the Roxy, Priest River, Idaho, have purchased the Rex, Newport, Wash., from Mrs. Laura Ewing.

Blumenfield Buys Davies

SAN FRANCISCO, Aug. 6.—Joseph Blumenfield, operator of theatres in Oakland, Sacramento and Marin, has acquired the downtown Davies Theatre from M. A. Markowitz.

Work Begins on New House

MONTGOMERY, Ala., Aug. 6.—Work has begun on the new 1,000-seat Charles Theatre here which is scheduled for Oct. 1 opening. Charles J. Rook of Oklahoma will lease the house from Myer and Lenore Gerson, owners.

Romo New Treasurer

SAN FRANCICO, Aug. 6.—Richard Romo has replaced Howard Moody as treasurer of the Fox Theatre, during the latter's leave of absence.

2 Houses Use Vaudeville

HOMESDALE, Pa., Aug. 6.—One day a week vaudeville shows have been inaugurated at the Comerford house here and in nearby Hawley.

Brown Takes Over Liberty

The Liberty, 800-seat theatre in Freehold, N. J., is now operated by the Liberty Freehold Amusement Corp. Henry Brown is president of the company.

Selig Operates Kent

The Kolono Theatre Corp., of which Dr. Rudolph L. Selig is vice-president, is the new operator of the Kent, 1170 Coney Island Ave., Brooklyn.

New Sound Installation

The following have contracted for the installation of RCA Photophone sound equipment: Drive-In Theatre, Pittsburgh; Rex, Galex, Va.; a new house at Waldorf, Md.; Humboldt. Roxbury, Mass.; Rohs Opera House, Cynthiana, Ky.; a new theatre at Paintsville, Ky., and the West Aliquippa in West Aliquippa, Pa.

New Larksville House

LARKSVILLE, Pa., Aug. 6.—The new Larksville built by Joseph Emashowsky and Mrs. Emashowsky, operators of the present Larksville, will be opened Aug. 14. The new house seats 430.

Washington to Reopen

The Washington, at 1805 Amsterdam Ave., now closed for alteration, will reopen Sept. 1 under ownership of the Washington Amusement Corp., of which M. L. Meyer is president and Ben Levine, secretary. The house was formerly operated by Harris Theatrical Enterprises.

Indianapolis Ritz Bankrupt

INDIANAPOLIS, Aug. 6.—Carl Wilde, Federal referee in bankruptcy, declared the Indianapolis Ritz Theatre Corporation an involuntary bankrupt and named Jack I. Kahn, attorney, as trustee. The house is closed pending settlement of its affairs.

Capitol Reopens as Second Run

RICHMOD, Va., Aug. 6.—The Capitol, a first run house which had been closed for about five weeks, reopened last week with a Summer policy of second runs and reissues. There will be three or four changes weekly and admission prices are 20 and 30 cents. Alex Radvin is manager.

Critics' Quotes . . .

"THE BOYS FROM SYRACUSE" (Universal)

To the list of successful motion picture producers add the name of Jules Levey. . . . The screen adaptation has broadened it into burlesque, supergagged and laughter-filled, with fast-pace direction.—*Kenneth McCaleb, New York Daily Mirror.*

Has good singers in the leading roles and has been handsomely mounted . . . still a brilliantly tuneful show.—*Howard Barnes, New York Herald-Tribune.*

Seems to satisfy the combined desires of the audience for a laugh.—*Kate Cameron, New York Daily News.*

A light-weight story—*Bosley Crowther, New York Times.*

A new high in anachronisms . . . lacks a certain modern requisite—*PM, (New York).*

A series of modern gags set down among the pillars and togas of the antique scene . . . a mildly amusing novelty.—*Archer Winsten, New York Post.*

There are some amusing moments—moments which are genuinely funny. The trouble is there are so many more moments which aren't funny.—*William Boehnel, New York World Telegram.*

Slapstick . . . gags are broad and about as subtle as a load of bricks.—*Rose Pelswick, New York Journal American.*

Depends for its merriment upon a superb Rogers and Hart score . . . a cast that can sing and does all right by the comedy, too—*Eileen Creelman, New York Sun.*

"THEY DRIVE BY NIGHT" (Warners)

A filmful of entertainment . . . humor is about as robust as the censors allow . . . pungent dialogue flavors the production and a good cast.—*Elsie Finn, Philadelphia Record.*

Action-filled yarn . . . something going on every moment . . . played and directed with headlong excitement.—*Mildred Martin, Philadelphia Inquirer.*

The season's most entertaining movie of what might be called the rough-and-ready school . . . a fast story with the right kind of cast.—*Ollie Wood, Philadelphia Ledger.*

The show is kept at a lively pace.—*Philadelphia Daily News.*

To Miss Lupino go the real honors . . . dialogue packed with double entendre, which the cast delivers with relish . . . no place for eyebrow lifters or kiddies.—*Laura Lee, Philadelphia Bulletin.*

A vigorous, hard-hitting melodrama that may very easily smash through to become one of the season's outstanding hits.—*Lee Mortimer, New York Daily Mirror.*

Good, tough stuff about real people . . . could and should have been a much better picture.—*Wanda Hale, New York Daily News.*

Shorts Reviews

"Tom Turkey and His Harmonica Humdingers"

(*M-G-M*)

Tom Turkey brings life to a dull village with some hot tunes on his harmonica. Others join in with gesticulations similar to the Borrah Minevitch Rascals. At that point, irate wives of the bandsmen break up the party. This falls short of the Hugh Harman standard. Running time, 7 mins.

"Social Sea Lions"

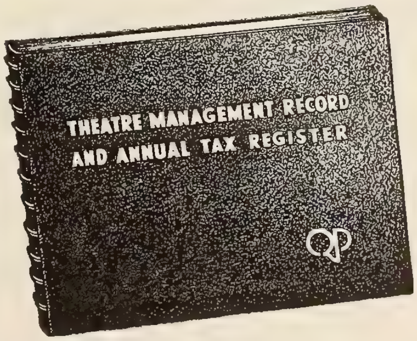
(*M-G-M*)

This is a light and humorous Pete Smith Specialty with seals the chief characters. The mammals are attracted to a house in which a cocktail party is being held, and, unnoticed, they make short work of hors d'oeuvres and punch. Comical complications eventually develop. The story is simple, and the humor refreshing. Running time, 9 mins.

"Trifles of Importance"

(*M-G-M*)

This "Passing Parade" is a novel and original subject. John Nesbitt explores the origin of certain items in gentleman's apparel such as sleeve buttons and split coats. Told, too, is a story behind the "Secret Seven" organization at the University of Virginia. Doodling as practiced by famous statesmen concludes the reel. Interesting throughout. Running time, 10 mins.



SPECIAL INTRODUCTORY PRICE

$2.00 POSTPAID

Keep Your Accounts Easily, Accurately!

NEW SIMPLIFIED THEATRE BOOKKEEPING SYSTEM!

■ Exhibitors, *The Theatre Management Record and Annual Tax Register* has been devised expressly for you. So utterly simple, it requires no bookkeeping experience; it includes individual sections for all operating data and is designed so that full tax information is always readily available. You will have a complete up-to-the-minute record of your business always before you with this amazing new self-operating system. Order it today.

QUIGLEY BOOKSHOP

ROCKEFELLER CENTER NEW YORK

Sarnoff Gives Flat Denial OnRCACharge

WASHINGTON, Aug. 6.—Denying flatly that any payments ever were made to former Senators or court officials to secure a postponement of the Government's anti-trust suit against the Radio Corp. of America, David Sarnoff, president, today told the Senate Interstate Commerce Committee that this was the first opportunity ever afforded to answer such charges. They were made originally in the House in 1938 by Rep. W. D. McFarlane.

David Sarnoff

Denies Keller's Charges

Sarnoff also denied charges made in an affidavit by E. O. Keller that RCA had paid former Senators Moses and Hastings $5,000 each and H. C. Mahaffey, clerk of the Wilmington Federal Court, $15,000 of an allegedly promised $25,000 to secure the postponement. Keller, who was present at previous hearings, could not be found and it was agreed to issue subpoenas for him and Roger Whiteford, attorney, and Robert D. O'Callaghan, former member of the RCA legal department.

Consulted Senator Moses

Sarnoff testified that he, Whiteford and O'Callaghan consulted Moses about the postponement to permit a consent decree to be formulated but Moses gave no advice and received no money. Hastings' law firm was retained to draft a motion for postponement but before the papers could be filed, the clerk advised all counsel that the trial would have to be postponed because of the ill health of the presiding judge. Hastings' firm was paid $7,500 for its services and Moses, after he left the Senate, was retained to make a special study of Balkan conditions for which he received two payments of $4,000 each.

Tells About Postponements

Sarnoff explained that the first adjournment was opposed by the Government but later it asked for further postponements itself while the decree was being worked out. Sarnoff asserted that RCA counsel had conferred with McFarlane to obtain an opportunity to answer the charges but were unsuccessful. The McFarlane charges were also based on an affidavit by Keller in which it was alleged that the law firm of Mahaffey's brother was later paid $50,000 to secure a modification of the consent decree.

Sarnoff asserted that Keller and another person had threatened to "expose" the deal unless paid for their services, and that Keller was paid a total of $4,000.

Off the Antenna

IN line with the general reorganization of the NBC sales staff for completely separate salesmen for the Red and Blue networks, the Pacific Coast sales division has been reshuffled, Don E. Gilman, vice-president in charge of the Western division, announced. Sidney Dixon has been named sales manager for the Coast Red network and Tracy Moore for the Blue. Dixon has been Western Division sales manager for two years while Moore has been a member of the sales department, having come to NBC in San Francisco from KGW, Portland.

• • •

Purely Personal: *Fredda Gibson will be guest on "Musical Americana" over NBC-Blue Tuesday at 9 P. M. . . . Mary York has been selected by WNEW as the outstanding singer during the station's recent series of auditions. She will make her debut tomorrow at 8 P. M. . . . Alfred J. McCosker, WOR president and chairman of the Mutual board, will spend his vacation at Rudy Vallee's lodge in Maine after returning from the NAB convention next week. . . . Harold L. Ickes and Kenneth F. Simpson are slated as guests on "Information, Please" next Tuesday over NBC-Blue at 8:30 P. M.*

• • •

Having completed its audit, WLW, Cincinnati, reports that it cost the station approximately $16,000 to cover the Republican and Democratic conventions. The Philadelphia meeting required the cancellation of $7,322 in business while $4,329 was canceled for Chicago. A total of $4,410 was paid for line charges and staff expenses for both meetings.

• • •

The practice of Brooklyn baseball fans of bringing their portable radios to the games at Ebbets Field is causing technical difficulties in Red Barber's broadcasts over WOR. The fans frequently sit near the broadcast booth and there is a "feed back" into the microphone. The Dodger fans have not heeded Barber's appeals to stay away from the booth when they bring their sets.

• • •

Program News: *Knapp-Monarch Co. of St. Louis will sponsor "Ahead of the Headlines," a 15-minute news dramatization prepared by the editors of* Newsweek *over 43 NBC-Blue stations beginning Sept. 29. It will be heard Sundays at 11:45 A. M. . . . Bob Becker's "Chats About Dogs" on behalf of Red Heart dog food will return to NBC-Red Sunday, Sept. 29 at 3:45 P. M. "Lux Radio Theatre" will return to CBS Monday, Sept. 9 at 9 P. M.*

• • •

Victor M. Ratner, director of sales promotion for CBS, has decided to add the post of copy chief to his staff. Laura Hobson, who was director of promotion for *Time*, has been named to the new position.

FCC Grants Television to L. A. and Phila.

WASHINGTON, Aug. 6.—The Federal Communications Commission today approved the establishment of two more television stations and granted construction permits to Television Productions, Inc., for a [illegible]-84 m.c., 1,000-watt station at Los Angeles and to NBC for a 102-108 m.c., 1,000-watt station at Philadelphia.

The NBC permit for Philadelphia is in lieu of the tentative grant given the network for a station in Chicago, the FCC explaining that it appears that the Pennsylvania station will make possible "a more concentrated study of television systems by the entire RCA research organization."

The commission also granted Zenith Radio Corp., a modification of its license for its station W9XZV at Chicago, permitting it to use the 50-56 m.c. channel.

NBC officials had expressed dissatisfaction with the FCC allotment of stations for New York, Washington and Chicago originally because it would not permit them to experiment with a network with automatic booster stations. Since the FCC has previously granted construction permits for New York and Washington, yesterday's action permitting NBC to set up a station in Philadelphia may make the establishment of a television network feasible.

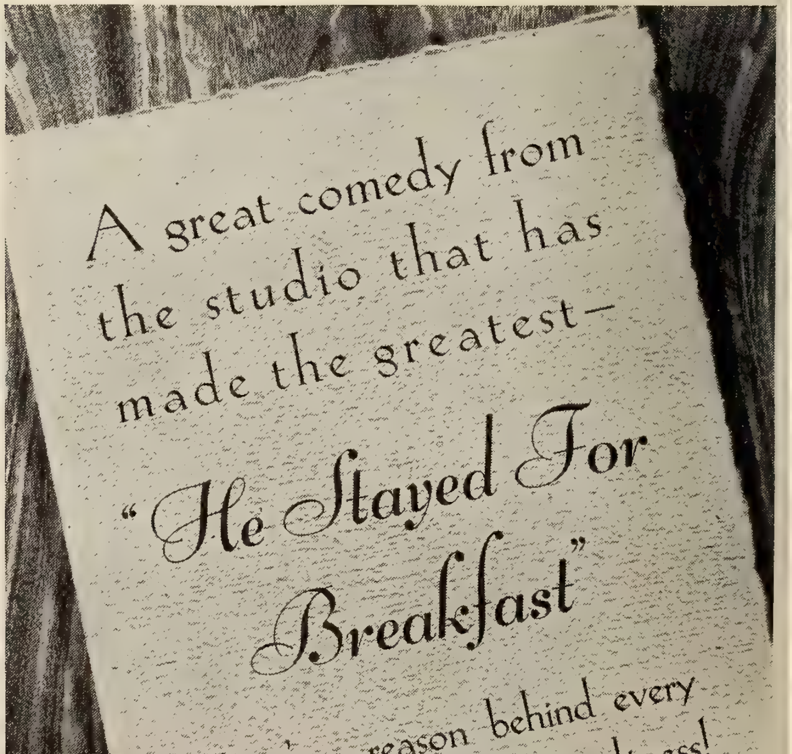
NAB Pledges BMI Support

SAN FRANCISCO, Aug. 6.—National Association of Broadcasters at its convention here unanimously adopted a resolution "pledging continued support to Broadcast Music, Inc., as a permanent organization" and pledged its unalterable intention to continue resistance to any music monopoly.

Presented by Harold Hough, WBAP, Fort Worth, Tex., the resolution followed a two-hour session during which Carl Haverlin, BMI stations relation director, announced that 25 new stations had joined BMI to bring the total to 336 members. Theodore C. Streibert, Mutual vice-president, read a letter to the network's affiliates urging complete support for BMI.

In general, sentiment at the meeting appeared to be united against Ascap but informal conversation among independent station operators indicated that a compromise may be reached at some later date. As one manager said, "Ascap can't afford to lose a $5,000,000 customer and the radio industry and the public can't do without the great music controlled by Ascap."

Addressing the meeting, Louis Johnson, former assistant Secretary of War, urged broadcasters to work for a united nation "aroused to grave responsibilities." He called upon the industry to coin a "national motto to keep constantly before the American people" by broadcasting it at the opening and ending of programs.



FILE COPY

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 28 NEW YORK, U. S. A., THURSDAY, AUGUST 8, 1940 TEN CENTS

Kent, Balaban Reject Pact; Seek New Escape Clause

Distributors Want Automatic and Absolute Release in Nine Months Unless Columbia, Universal and United Artists Join

By SAM SHAIN

Sidney R. Kent, president of 20th Century-Fox and Barney Balaban, president of Paramount, have rejected the presently proposed consent decree terms. Neither 20th Century-Fox nor Paramount will go along with the decree unless a new and unconditional escape clause, granting automatic release at the end of nine months, is granted rather than that which is offered now.

Both Kent and Balaban object to other provisions in the latest draft, also, notably Section 7, which covers discrimination in selling.

The kind of an escape clause which will satisfy these two leaders must have provisions for an automatic and absolute release, without having to seek any court's permission, at the end of nine months after the effective date of the proposed decree, and the clause providing for unit selling in blocks of five shall be eliminated, if at that time Universal, Columbia and United Artists have not become signatories of the decree.

Kent is described as feeling that the the industry cannot be half one thing and half another, which parallels Balaban's own sentiment that any decree must be applicable to all, equally, or to none. The two are standing shoulder to shoulder on this question.

Spokesmen assert, however, that while the Government may be amenable to make changes to satisfy Kent and Balaban, other distributors, such as those who have already assented in principle to the decree, might not be

(*Continued on page 4*)

5-Unit Sales Independents' Chief Target

Small Exhibitors Fear Product Shortage

WASHINGTON, Aug. 7.—The provision for unit selling in blocks of five is the chief target of complaint by the small, independent exhibitor against the proposed New York consent decree, the same as it is of the big-time and circuit theatre operator.

This is revealed by authorities here, in connection with communications which have been received by the Department of Justice from theatre men protesting provisions of the projected anti-trust suit settlement.

The communications to the Department of Justice, according to authorities, point out that the industry problems are not uniform throughout the country, that they vary from section to section, and that there cannot be any single cure-all for the problems.

The small exhibitor is strongly in favor of two measures to solve his problems: the right to cancellation applied to wholesale buying and the handling of clearance by arbitration.

The small, multiple-change theatre operator, who plays two changes,

(*Continued on page 7*)

Two Disputed Pact Sections

Twentieth Century-Fox and Paramount object strongly to Section 9, the present proposed escape clause, and Section 7 of the tentative draft, which covers discrimination.

The present escape clause (Section 9) of the proposed consent decree follows:

At any time after June 1, 1942, any defendant may move to vacate the provisions of sections 1, 2a and 2b of this decree by filing an application under oath stating that during any constructive nine months period preceding the filing of such application either (1) two or more distributors of motion picture films operating on a national exchange basis have leased their feature motion pictures* other than in accordance with the provisions of sections 1 and 2a of this decree or (2) 45 or more feature motion picture films have been leased other than in accordance with the provisions of sections 1 and 2a hereof. The petitioner and the other defendants who have signed the decree shall be served with notice of the filing of such application.

Upon such application, the Court

(*Continued on page 4*)

'Breakfast' to Have National Trade Show

Columbia will hold trade showings of "He Stayed for Breakfast" in 31 key cities from Aug. 10 to Aug. 15.

Screenings definitely dated include: Aug. 11, Strand, Memphis; Carolina, Greenville, S. C., and Rialto, Atlanta.

Aug. 12, Colony, Cleveland; Boyd, Philadelphia; Oriental, Portland; St. Louis Park Theatre, Minneapolis; State, Oklahoma City; Melrose, Dallas; Texas and Madison, Albany.

Aug. 13, Uptown, Boston; Broadway, Denver; Fox's Boulevard, Los Angeles; Poli Palace, New Haven; Adams, Detroit, and Ritz, Tulsa.

Aug. 15, Orpheum, New Orleans.

Additional screenings will be scheduled later.

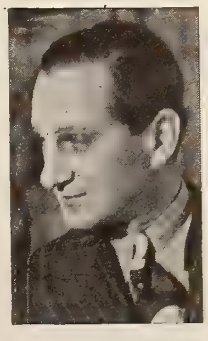
GENERAL M. P. T. O. A. MASS MEETING URGED BY COHEN

Max A. Cohen, president of Allied Theatre Owners of New York, an M.P.T.O.A. affiliate, yesterday sent the following telegram to Ed Kuykendall, president of the M.P.T.O.A.:

Ed Kuykendall

"As an independent subsequent run exhibitor I plead with you to call a national indignation meeting of the M.P.T.O.A. to protest against the onerous provision in the consent decree which provides for sales in blocks of five. You are the leader of the majority of independent subsequent run exhibitors in the nation and therefore we are looking to you to save us. Answer quick."

No reply had been received from Kuykendall up to a late hour last night.



Max A. Cohen

Coast Flashes

LOS ANGELES, Aug. 7.—Fred Astaire, former RKO player, signed today with Universal. He will star in "Special Delivery," which will be produced by Joseph Pasternak and directed by Henry Koster.

●

Republic has made peace with the Screen Publicists Guild. The company signed a Guild contract for wage increases and minimum hours for five publicity department workers, thus averting a threatened strike. The Screen Publicists Guild meets tomorrow night to ratify the pact.

●

Erika Mann, Frank David, Herbert Biberman and Paul Trivers, writers, have filed a breach of contract suit for $7,500 against Edward Small, in connection with an alleged deal whereby Small accepted a script of Erika Mann's book, "School for Barbarians," but allegedly did not pay the money due.

'Daltons Rode' Plays Loew's N. Y. Circuit

Universal has sold "When the Daltons Rode" to the Loew's metropolitan circuit in an unusual deal which will give the picture its first New York showings in 12 theatres simultaneously.

The picture will open at Loew's State, Aug. 22, for a minimum engagement of one week, and in 11 Loew's neighborhood theatres on the same day. The other bookings are for the 83d St., 72nd St., Lexington, Metropolitan, Olympia, Ziegfeld, 175th St., Mt. Vernon, New Rochelle, White Plains and Yonkers.

Eastman Six-month Earnings$9,179,170

ROCHESTER, Aug. 7.—Consolidated net profit for Eastman Kodak Co., excluding certain subsidiaries and branches, amounted to $9,179,170 for the six-months' period ended June 15 as compared with $8,070,457 for the same companies in the same period last year. However, the consolidated net profit for the first six months of 1939 for all companies was $8,688,870.

This year's report included earnings only of wholly owned subsidiaries in the United States, Canada, Mexico, Cuba, Panama and South America but did not include profits of companies and branches in the British Isles, Continental Europe, Africa and Asia because of the war. Known losses from the excluded areas were deducted from the report, however.

Earnings were equivalent to $3.63 per share of common stock after deductions for preferred dividends as compared with $3.43 for all companies for the same period last year. Sales volume in the United States rose 7.82 per cent to $48,042,343 during the first six months and total volume in all companies accounted for was $57,015,524, an increase of 4.18 per cent for the same territories.

According to reports received by the company, premises and stocks of subsidiaries and branches located in war areas are intact and undamaged. Although profits of subsidiaries in certain territories are excluded, profits resulting from sales by the parent company to subsidiaries and branches are included.

Personal Mention

MAURICE SILVERSTONE, United Artists chief executive, will arrive from the Coast Saturday by train following a 10-day visit with company producers.

•

STANTON GRIFFIS, chairman of the Paramount executive committee, will return Monday from a week's cruise.

•

FREDERICK L. HERRON, head of the M.P.P.D.A. foreign department, is spending the month of August at his Connecticut farm.

•

LEON J. BAMBERGER, RKO sales production manager, will leave for New England Saturday on a two weeks' vacation.

•

DAN KELLEY, Universal casting director, left for the Coast by plane yesterday after a six-day visit in New York.

•

EARL WINGART of the 20th Century-Fox publicity department is vacationing.

•

HORACE FREE, Buffalo manager for Ross Federal, was married Monday to EDWINA DURKIN of the home office. CLIFFORD B. ROSS was best man.

•

HARRY CRAWFORD, manager of the Ambassador, St. Louis, is on a vacation. Other St. Louis vacationers are BOB TAYLOR, Monogram branch manager, and BARNEY ROSENTHAL.

•

LYNN FARNOL, United Artists advertising and publicity director, arrived from the Coast by plane yesterday.

DAVID O. SELZNICK returned to his Connecticut summer farm last night after several days in town on business. He plans to remain in the East another two or three months.

•

CHARLES SCHWARTZ and HERMAN FINKELSTEIN have returned from vacations.

•

WILLIAM SPRAGG, M. & P. district manager in Rhode Island, has taken a camp at Bridgton, Me., for August and is spending the first and last weeks of the month there with his family.

•

AL LASHWAY, manager of the Strand, Pawtucket, R. I., will leave tomorrow for a two-week vacation at his camp near Bennington, Vt.

•

E. K. O'SHEA, M-G-M Eastern district manager, left yesterday by plane for Charlotte, N. C.

•

WALTER KANE, GEORGE JESSEL, DAVID BLANKENHORN and A. A. SCHUBART arrived from the Coast yesterday on the T.W.A. *Stratoliner.*

•

MRS. SEKI RICE, wife of IRVING RICE, purchasing agent for National Screen Service, gave birth to a son last week.

•

VICTOR JURGENS, March of Time cameraman, who returned from a two-year assignment in the Far East recently, has left to Join DIRECTOR JACK GLENN on an assignment in Mexico and Central America.

•

LOUIS SCHINE is in Saratoga.

•

JACK SCHWARTZ of the West End, Bridgeport, Conn., has been in Provincetown.

•

DICK CROSBY, manager of DAN MCLEAN'S Embassy, San Francisco, has returned from a tour of the Pacific Northwest.

•

ED STEINBUCK, manager of Loew's State, Cleveland, is vacationing in New England and Canada.

•

SAM WEBER of New Haven will leave soon for a Cape Cod vacation.

•

S. G. LEBEDOF, treasurer of Northwest Allied, is vacationing at Walker, Minn.

•

J. SAMUEL BERKOWITZ has arrived from the Coast.

North Dakota Group Joins N. W. Allied

MINNEAPOLIS, Aug. 7.—Eastern North Dakota Independent Exhibitors, meeting at John Pillar's theatre at Valley City, N. D., recently voted to affiliate with the Allied Theatre Owners of the Northwest.

Julius Overmoe of Hillsboro was elected governor to the board for Eastern North Dakota. The group adopted a resolution endorsing the actions of the Allied Theatre Owners of the Northwest at its recent Minneapolis convention, which included the election of officers, resolutions, and the policy program.

IT'S A GREAT TIME FOR COMEDY... AND HERE'S A REALLY GREAT ONE!
"He Stayed For Breakfast"
A COMEDY IN THE GREAT COLUMBIA TRADITION!
COLUMBIA PICTURES

Fire Helps Theatre

Providence, Aug. 7.—Firemen fighting a blaze in an adjoining building today carried hose lines through the balcony of the Empire without interrupting the show or distracting the audience.

When the fire had been extinguished, more than 100 of those who had gathered in the street to watch the blaze purchased tickets for the Empire. George Crobin, manager, believes he has a new exploitation idea.

To See Filming of 'Information Please'

Numerous exhibitors from the metropolitan area will witness the filming today of a new RKO Pathe "Information Please" subject, for which Anna Neagle will appear as "guest guesser."

Among those scheduled to be present are: Al Reed, Fabian Circuit; Sam Goodman, Century Circuit; Louis Moses, Palace Theatre; Lawrence Bolognino, Consolidated Circuit; William Quinn, Normandie Theatre; Arthur Schwartz, Brandt Circuit; Otto Rettig, Ormont Theatre, East Orange, N. J.; Harold Blumenfield and I. Zatkin, Tribune Theatre.

Also: David Dubin, Grand Central Theatre; Eddie Sterne, Rugoff and Becker; John Benas, Skouras Theatres; Charles Moss, Criterion Theatre; Arthur Mayer, Rialto Theatre; Sam Rinzler; Randforce Circuit; Major Rudd, Newsreel Theatre; Harold Klein, Cocalis Circuit; Zeb Epstein, Strand Theatre; Walter Reade, Jr.; M. Rudin, Rapf-Rudin Circuit; Bernie Brooks, Rosenblatt Circuit; C. E. Smith, Washington Theatre, Washington, N. J.

Funeral Rites Held for Abraham Wax, 82

PHILADELPHIA, Aug. 7.—Funeral services were held this afternoon for Abraham Wax. 82. who died last night in Atlantic City after suffering a stroke a week ago. Wax founded Keamco, Inc., which operated a circuit here. He built several houses in this city and had an interest in theatre properties in Atlantic City. His widow and seven children survive him.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

SAMPLE:

ALL THIS, AND HEAVEN TOO
THEY DRIVE BY NIGHT
THE SEA HAWK
FLOWING GOLD

You get a sensational sample of the strength of a company when you realize that every smashing one of these is being delivered to the exhibition market this very minute!!

IT'S ALL BECAUSE WARNERS have the goods!

JACK L. WARNER *In Charge of Production* • **HAL B. WALLIS** *Executive Producer*

Kent and Balaban Reject Decree Terms

Section 9

(*Continued from page 1*)

shall enter an order relieving the defendants of further compliance with the provisions of section 1, 2a and 2b of this decree but not before August 31, 1942 unless within 60 days after service of such application the petitioner shall establish to the satisfaction of the Court that during said nine months period (1) more than 72 per cent of the total gross income from licenses for the exhibition of motion pictures in the United States, excluding the gross income of State rights exchanges, has been derived from pictures leased by the defendants bound by this decree; and (2) the applicant distributor's percentage of the total gross income from licenses for the exhibition of motion pictures in the United States distributed by it and by all distributors not bound by this decree, excluding State rights exchanges, has not decreased more than 5 per cent of the percentage which such distributor's total revenues for the calendar years 1937, 1938 and 1939 is to the total for said three years of such distributor's revenue and the revenue of all distributors not bound by this decree, excluding State rights exchanges.

Each distributor subject to this decree agrees that upon the request of the Department of Justice it will furnish promptly all information and data which reasonably is required for the purpose of this paragraph.

---

* *The notification and report shall include such commitments and changes as may have been made by corporations not parties to this decree which are controlled by such defendant. They shall also include such commitments or changes as may have been made by corporations in which such defendant owns a financial interest but does not control if such defendant has received knowledge of such commitments or changes. Each defendant will request such corporations to immediately notify it of any such commitment or change.*

Two Phila. Houses Will Resume Shows

PHILADELPHIA, Aug. 7.—Fay's Theatre will resume vaudeville when the house reopens Sept. 7. Stage shows will also be used again at the Towers at nearby Camden, N. J., when the house reopens Aug. 23. The Carman here, keeping open all Summer, is the only other house in the area showing stage shows. All are independent houses.

The outlook for vaudeville at Warner theatres is still very remote with the musicians' union entering its ninth month of the strike against the circuit. Warners is agreeable to return vaudeville to the Earle and for Sunday shows at the Stanley in Camden, but the musicians are insisting that several neighborhood houses be included.

To Honor Martha Scott

Martha Scott, starred in Columbia's "The Howards of Virginia," will be crowned Queen of the National Tobacco Festival at South Boston, Va., Sept. 5 and 6. Postmaster General James A. Farley will preside at the "coronation."

Want Automatic, Absolute Release After Nine Months

(*Continued from page 1*)

willing to accede to any such changes.

Last night, certain industry leaders, being aware of the action of Kent and Balaban, scouted the possibility of a peace between the Government and only three companies. Opinion was divided. Some felt that in the event 20th Century-Fox and Paramount pull out, the decree negotiations will automatically collapse. Others feel that there may be a chance for peace with only the three who have so far assented, Loew's, RKO and Warner Bros. Still others felt that Warner Bros. might withdraw if Paramount and 20th Century-Fox remained aloof.

An additional possibility loomed that Loew's might ask for certain clearance reservations in extraordinary situations.

Whether the Government will consider a peace with only three companies was answered categorically yesterday in Washington by Government spokesmen. They stated that it is probable the Department of Justice would decide to act as it did in the automobile financing case, and accept a peace pact with any companies which desire to do so on its terms but go to trial against others.

Signatories Released

In that case, however, the Government agreed to release those companies who assented to a decree in the event that it lost the case against those who held out.

Twentieth Century-Fox and Paramount officials are now drawing new clauses on the subjects to which they object in the present draft, and these new clauses will be submitted to the Government. Unless the language of these provisions is such as to satisfy 20th Century-Fox and Paramount, their rejection of the pact will still stand, it was stated last night by spokesmen.

This task is not expected to be completed before the end of this week and whatever the outcome will be is not expected to be made known until Monday or Tuesday.

Kent left New York last night and will return Friday or Saturday to lead in the discussions of the new proposals.

The latest draft of the decree contains a proposal for an arbitration setup which is incomplete but to which so far there have not been any objections.

It is Section 10, and reads as follows:

Arbitration Machinery

(a) *Selection of neutral arbitrators.* A panel of not less than 10 neutral arbitrators for each exchange district shall be designated by the American Arbitration Association. Neutral arbitrators shall not have any past or present connection with the production, distribution or exhibition of motion pictures nor any interest in any theatre, as either landlord, lessor or otherwise. The neutral arbitrators shall be paid at the rate $——— per diem when hearing a case.

(b) *Arbitration appeal board.* There shall be an arbitration appeal board consisting of three members appointed by the court, each of whom shall be a person of known impartiality and distinction. One member shall be designated by the court as chairman of the board. The jurisdiction of the board shall be to hear and determine appeals. Members of the appeal board shall be compensated on an annual basis. The chairman shall be paid $——. Other board members shall be paid $——. The Appeal Board shall sit and its offices shall be located in Washington, D. C.

(c) *Arbitration procedure.* An exhibitor who has the right to arbitrate under any of the provisions of this decree may require the distributor to arbitrate the controversy, giving notice to the Secretary of the Arbitration Board located within his district. The parties to the controversy shall mutually agree upon a neutral arbitrator from the panel established for the exchange district in which the theatre of the complaining exhibitor is located. If the parties cannot agree on the choice of a neutral arbitrator from the panel within a reasonable time, the American Arbitration

(*Continued on page 7*)

Kent Believes 20th Century-Fox Should Not Bear Others' Economic Burden

Sidney R. Kent's insistence upon an escape clause which will be absolute and automatic is characterized by spokesmen as being based on Kent's strongly held views that there is no reason why his company should bear the economic burden of any of the holdout companies.

He feels that it will be grossly unfair for 20th Century-Fox to assume the obligation of unit selling while holdout companies will be able to sell in block.

If such a condition were permitted to become lasting, the signatories to the pact would lose millions in revenue to the holdout firms. Kent and Balaban are willing to risk such a loss for a few months in order to enable the Government to get Universal, Columbia and United Artists in line, but not risk such great losses permanently.

Section 7

Section 7 deals with the "remedy for discrimination against independently operated theatres." It follows:

Controversies arising upon a complaint by an independent exhibitor that subsequent to the commencement of the method of selling set forth in sections 1, 2a and 2b hereof, a defendant distributor has arbitrarily refused to license its features for exhibition on the run requested by said exhibitor in one of said exhibitor's theatres which was in existence or which replaced† a theatre in existence at the date of this decree shall be subject to arbitration. An independent exhibitor, as used in this section, is one wholly independent of any circuit of more than five theatres and not affiliated either by stock ownership, common buying or otherwise with a circuit of more than five theatres or with a buying combine or common buying agent negotiating for more than five theatres.

In any such arbitration no award shall be made against a distributor unless the arbitrator shall first find the following facts:

(1) That the complainant is an independent exhibitor as defined in this section and that the theatre operated by him and specified in his complaint was in existence at the date of the decree or replaced such a theatre;

(2) That such refusal of the distributor continued during a period of not less than three successive months;

(3) That the distributor has during such period, licensed the feature pictures requested by the complaining exhibitor on the run requested by him to a theatre which is a component of a circuit of not less than 15 theatres and which is in competition with the theatre specified in the exhibitor's complaint;

(4) That the complainant's theatre has not available to it feature pictures sufficient in nature and quantity to enable it to operate on the run requested by the complainant.

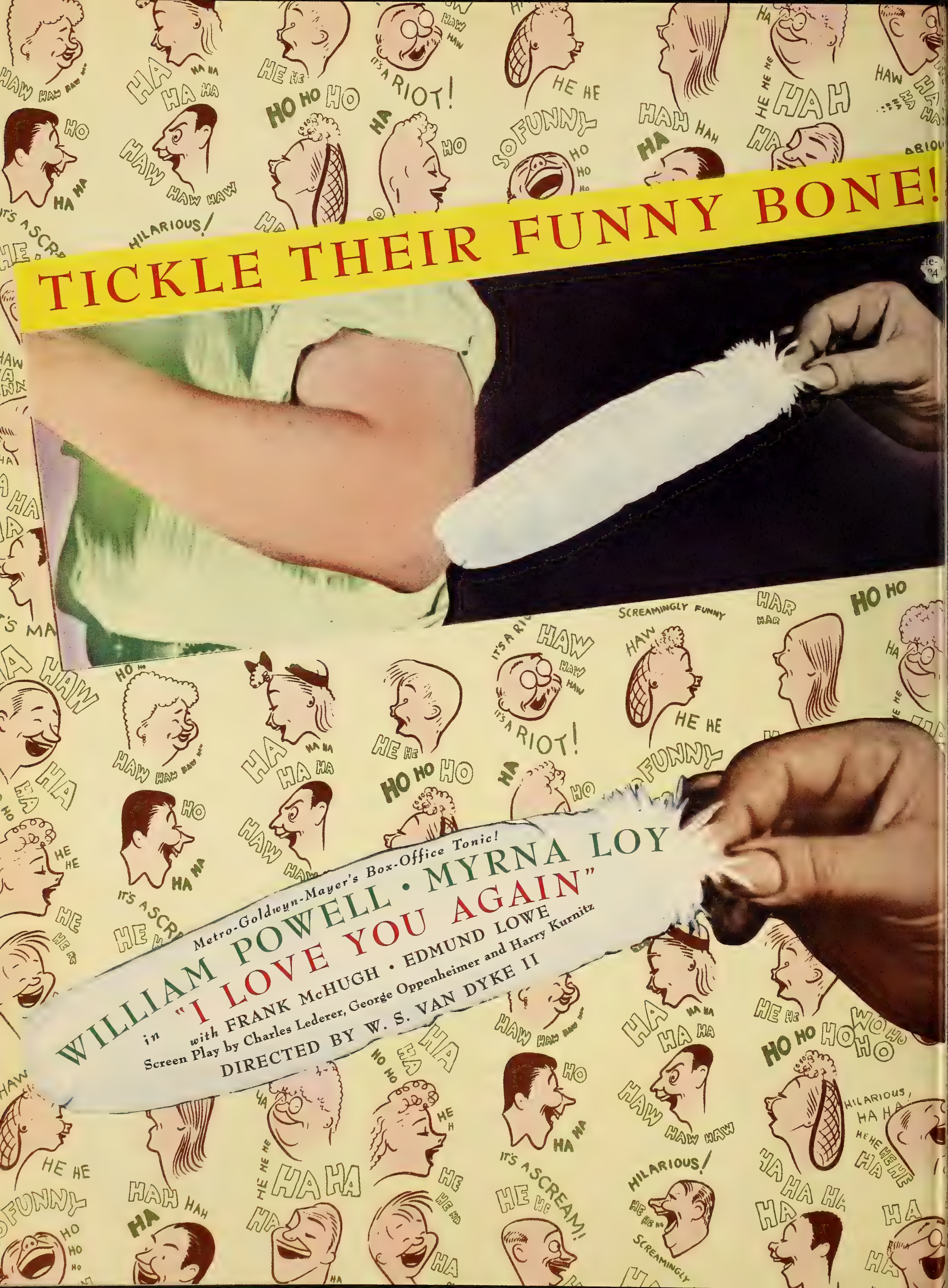
(5) That

(a) The complaining exhibitor has operated the theatre specified in his complaint subsequent to July 20, 1935, and prior to July 20, 1940, on the same run as or on an earlier run than that enjoyed by the circuit theatre specified in the complaint; or

(b) The complaining exhibitor has subsequent to July 20, 1935, and prior to July 20, 1940, demanded in writing features for the theatre specified in his complaint from the distributor complained against on the same run as or on an earlier run than that enjoyed by the circuit theatre specified in the complaint; or

(c) The complaining exhibitor operated his said theatre for at least one year prior to the entry of this decree and subsequent to July 20, 1935, and prior to July 20, 1940, a prior operator of said theatre demanded in writing features from the distributor defendant complained against on the same run as or on an earlier run than that enjoyed by the circuit theatre specified in the complaint.

(*Continued on page 7*)


HA HA
HO HO HO
HE HE
IT'S A RIOT!
SO FUNNY
HILARIOUS!
IT'S A SCREAM!
SCREAMINGLY FUNNY
HAW HAW HAW
HAH HAH

TICKLE THEIR FUNNY BONE!

Metro-Goldwyn-Mayer's Box-Office Tonic!

WILLIAM POWELL · MYRNA LOY

in "I LOVE YOU AGAIN"

with FRANK McHUGH · EDMUND LOWE

Screen Play by Charles Lederer, George Oppenheimer and Harry Kurnitz

DIRECTED BY W. S. VAN DYKE II

Two Sections of Consent Decree Disputed

U. S. Wants Film Suit Ended Without Trial

Washington, Aug. 7.—The Department of Justice is described in authoritative circles here as being anxious to dispose of the New York anti-trust case without going to a long and costly trial, so that a dozen or more men now working on the film case and badly needed in other work can be taken off and so assigned.

It was the Government's hope, according to spokesmen, that the companies might have been disposed to be represented by one spokesman who was qualified. The negotiations started out this way but the plan was sidetracked by the companies who were anxious to settle quickly. Their action is stated to have prevented a united front through a single representative.

Text of Arbitration

(*Continued from page* 4)

Association shall select a neutral arbitrator from the panel.

(d) *Costs of arbitration.* The arbitrator shall award costs against either party or apportion them among the parties as he may deem proper. Costs shall be limited to the arbitrator's fee and the filing fee.

(e) *Administration of arbitration machinery.* The maintenance and functioning of the arbitration offices and personnel in each exchange district shall be under the jurisdiction of the American Arbitration Association. Among the responsibilities of the American Arbitration Association, it shall have the duty of budgeting the cost of operating the arbitration machinery, renting and maintaining offices, engaging personnel, etc.

The American Arbitration Association shall prepare a budget setting forth the maximum annual cost of the arbitration machinery, which shall be submitted to the Department of Justice for its approval. Any increase in the amounts so fixed shall be made only after a majority of the companies have approved, except that the Court may, on the application of the petitioner, order such an increase if it finds that such increase is necessary for the effective operation of the arbitration machinery.

(f) *Financing.* The cost of the arbitration machinery shall be met out of a fund made up of (1) ————% of the gross receipts of each distributor and (2) a reasonable filing fee for each arbitration proceedings to be paid by the party filing the complaint.

Text of Section Seven

(*Continued from page* 4)

(6) That the refusal to license the exhibition of said pictures in the complainant's theatre was in fact because the theatre licensed to exhibit them on the run requested by the complainant was a component part of such circuit of theatres.

The arbitrator, in determining whether the exhibitor's complaint is established by the evidence, shall take into consideration, among other things: the terms offered by the two competing theatres, the seating capacity of each of said theatres; their respective capacities for producing revenue for the distributor, their character, appearance and condition, including their furnishings, equipment and conveniences; their location; the character and extent of the area and population each serves; the competitive conditions in the area in which they are operated; their comparative suitability§ for exhibition of the distributor's pictures on the run requested; the character and ability of their management and their reputation generally in the industry and in the community for showmanship, honesty and fair dealing; the policy under which the theatres involved have been operated and under which the complaining theatre proposes to operate if it obtains the run requested; the financial responsibility of their owners and operators; and any equities arising out of the distributor's prior relations with the two theatres involved.

If in any such arbitration the arbitrator finds for the complaining exhibitor, he may enter an award against the distributor which shall not affect the license to exhibit any feature picture then under contract but shall prohibit it from thereafter leasing its features for exhibition on the run requested in the circuit theatre specified in the complaint otherwise than by a separate contract or agreement which shall not be a part of any contract or agreement for the licensing of features to any other theatre or conditioned upon the licensing of features for exhibition in any other theatre.

After a final award has been made in favor of a complaining exhibitor under this section, such exhibitor may institute a further arbitration proceeding to be held before the arbitrator who entered the original award, if available, upon the ground that such award has not in good faith been complied with by a distributor against whom it was entered. If in any such proceeding the arbitrator finds that the distributor has not in good faith complied with the original award, the arbitrator may award damages to the exhibitor for loss resulting from the distributor's failure to comply with the original award. Any award of damages hereunder shall be purely compensatory, but in the case of first-run exhibition shall not exceed the amount of rentals received by the offending distributor from the circuit for its features licensed for exhibition in violation of the award, and in the case of subsequent-run exhibition shall not exceed twice the amount of such rentals.

Proceedings for an award of damages for violation of the original award must be commenced within sixty days after such violation has occurred, by filing with the arbitrator and serving upon the distributor a statement and specification of the facts constituting each violation for which damages are sought and of the exhibitor's damages resulting from such violation. There shall be no award of damages in any such proceeding for any violation of the original award of which complaint is not so filed and served within said period, but prior violations may, in any such proceeding, be considered by the arbitrator as evidence bearing upon the question of the distributor's good faith.

---

†*A replacement is a theatre which was erected in the same neighborhod as one which was destroyed or permanently abandoned as a theatre, for the purpose of succeeding to its patronage. If the replacing theatre has a seating capacity of more than 25 per cent greater than that of the theatre replaced, it shall not be entitled to the benefits of this section.*

§*In considering this factor in situations where the exhibitor customarily operates two or more theatres on the same run in the same situation as a unit by contracting for blocks of features on an "or" basis and by exhibiting each feature in a particular theatre which, because of its characteristics, operating policy, or admission prices, is most suitable for exhibition of the particular feature, all of such theatres may be considered collectively as a unit.*

Exhibitor Sees Consent Decree As Making 'the Strong Stronger'

A leading New York exhibitor describes the contemplated consent decree as "making the strong stronger and the weak weaker."

"The small exhibitor presumably is the client whom the Government is trying to protect, but about all the small exhibitor is privileged to get under the decree is the right to buy product for some run. The decree is extremely more harsh than the abandoned trade practice code.

"Under the provision to sell product in groups of five, the exhibitor who has been accustomed to spend four to six weeks in buying product will probably have to make 20 buying trips a year. During this time he will have to leave the operation of his theatre to others and in other ways add to the expense of his operations.

"Also, under the discrimination clause only an exhibitor who has five theatres or less can ask for arbitration, but if he owns six he apparently must dispose of that theatre or let the alleged evil remain."

5-Unit Sales Independents' Chief Target

(*Continued from page* 1)

three changes and more weekly, is also opposed to block-of-five selling, it is stated, most particularly to that proposed provision in the contemplated decree which provides for unit selling in groups of five. The grounds of complaint are similar also, it is revealed, namely, that the necessary flow of product would be interrupted.

On one aspect, however, their situations differ. It is the small exhibitor's stand, spokesmen aver, that the big-time operators can protect their theatres from the proposals by negotiating long-term franchises from companies now by means of which a sufficient backlog of future product can be assured them. The small exhibitor, it is stated, is unable to negotiate such deals because of his limited purchasing power.

The protesting exhibitors feel that any mandatory provision such as the sales proposal which might tend to interrupt a steady flow of product to the small theatre would create a condition whereby the distributors may attempt to impose conditions which might be found burdensome.

Exhibitors who have a double bill policy are greatly concerned, it is reported, since such theatres, which require six pictures a week, on three changes, and many eight films a week, believe that they would encounter difficulties in setting up film requirements for the year should the unit-of-five proposal go into effect.

The small exhibitors feel that the right of proper cancellation would be lost to them under the provision for unit-of-five sales, which stipulates an outright sale without mentioning cancellation. Exhibitor organizations representative of the small, independents have fought for cancellations for years, and do not believe that the Government intends to harm their best interests by precluding this trade concession.

The Department of Justice, it is said, has received scores of communications from all classes of exhibitors, but has not yet decided when to hold a hearing in regard to the decree.

Syndicate to Seek Review on 'Desire'

ALBANY, Aug. 7.—Syndicate Exchange, Inc., today filed notice of appeal on Irwin Esmond, state censor head, and the Department of Education law division that it would ask the Board of Regents to review the censor board's refusal to license the film "Fools of Desire."

The picture was refused a license on May 16 on grounds that it was "indecent, immoral and would tend to corrupt morals." The appellant contends the picture makes no attempt to portray lewdness. A special committee of the Board of Regents is expected to view the picture in New York later this month.

Conn. Golf Tourney Draws 150 Players; Many Win Prizes

New Haven, Aug. 7.—More than 150 film men from this territory, New York and Boston, as well as representatives of affiliated and non-affiliated industries joined Tuesday to share a full day of golf at Race Brook Country Club and almost 100 prizes in the fifth annual golf tournament sponsored by the Connecticut Motion Picture Theatre Owners.

Harry F. Shaw, Loew-Poli division manager, acted as master of ceremonies and Herman M. Levy, executive secretary, distributed the prizes. Arthur H. Lockwood, president, who was to have presided, was confined to the Beth Israel Hospital in Boston where he will be operated on this week.

Prize winners in the exhibitor group included George Loukides, Waterbury, low gross, who won second leg on the silver cup; Meyer Bailey, Arthur Smith, Maxwell Hoffman, A. Bolte and Harry L. Lavietes. Prize winners in the distributor group included Edward McEvoy, Lincoln Conner, E. J. Warner, Richard Vidaver, Martin Kornbluth and Thomas Donaldson.

The putting contest was won by Nate Furst and Leo Ricci who tied for first place and Joe Samariano who was third. In the driving contest among exhibitors, Sperie Perakos, George H. Wilkinson and Frank Phelps won while among distributors Lou Wechsler, Henry Germaine and Edward G. Ruff were victors.

Winners of door prizes included Charles Casanave, Jr., George Ginsberg, Caspar Block, Milton Small, George Dembow, Irving Jacocks, George Weber, Phil Zimmerman, Rev. Manning, Jules Livingston, Al Robbins, William Moses, Bob Flynn, Charles Casanave, Lester Savatier, Al Bondy, Ben Lasky, Tim O'Toole, A. Pfeiff, I. J. Hoffman, Sam Rosen, Gus Schaefer, Lester Tobias, Maurice Wolfe, Al Herman, Lou Ginsberg, Morris Nunes, Barney Pitkin, Edward Ruff, Ben Lourie, Adolph Haas, J. Colter, Larry Germaine, Elliott Kronish, B. E. Hoffman, Toy Boserdine, George Comden, C. L. Parker, Joe Mitchell, Maurice Bailey, Phil Furst, Harold Eskin, Edward Levy, Jack Findlay, Ben Farrow, Max Tabackman, Bill Marks, Manny Kugel, Samuel Seletsky, W. Faulkner, Dr. Levin, F. Smith, Robert Murray, Bob Heyman, A. Shea and Cy O'Toole.

'Our Town' $5,000 Best in Cleveland

Cleveland, Aug. 7.—In what was left of the box offices after last week's "heat blitzkrieg," "Our Town" at the Stillman and "All This and Heaven, Too," in its third week at the Allen, led with $5,000 and $4,600, respectively, here.

Estimated takings for the week ending Aug. 1:

"All This and Heaven, Too" (W. B.)
ALLEN—(3,000) (33c-39c-47c) 7 days, 3rd week. Gross: $4,600. (Average, $4,000)
"Maryland" (20th-Fox)
WARNERS' HIPPODROME—(3,800) (33c-39c-47c) 7 days. Gross: $7,000. (Average, $11,000)
"My Love Came Back" (W. B.)
RKO PALACE—(3,100) (33c-39c-47c) 7 days. Gross: $6,000. (Average, $9,500)
"South of Pago, Pago" (U. A.)
LOEW'S STATE—(3,500) (33c-39c-47c) 7 days. Gross: $7,000. (Average, $11,000)
"Our Town" (U. A.)
LOEW'S STILLMAN—(1,900) (33c-39c-47c) 7 days. Gross: $5,000. (Average, $4,000)

Hollywood Reviews

"I Love You Again"

(M-G-M)

Hollywood, Aug. 7.—A preview night audience in the typical small community of Westwood, a situation remote enough from Hollywood not to partake of the latter's publicized idiosyncracies, found this William Powell-Myrna Loy vehicle tremendously to its liking, and evinced the fact with continuous laughter and applause.

The story, an original by Leon Gordon and Maurine Watkins, based on the Octavus Roy Cohen novel, and with screen play by Charles Lederer, George Oppenheimer and Harry Kurnitz, shows the effect of apt collaboration.

Treated purely as comedy, it portrays the effect of amnesia upon a confidence man, portrayed by Powell, who has spent some nine years as a pottery maker in a small Pennsylvania town, and acquired the characteristics of a small town booster and joiner, along with those of a teetotaler and penny-pincher. His original character returns as the result of a blow he receives, and from then on the struggle is one of acclimation to his role as Boy Scout leader and contributor of community morale.

In the process he wins back the wife who was about to leave him for his selfishness, and decides to jettison plans for the promotion of a phony parcel of oil land. Also in the process, slapstick and farce contribute to the basic comedy of readjustment, treated in a sophisticated vein.

With Miss Loy as the wife, Frank McHugh and Edmund Lowe are chiefly in support, and perform ably. The picture was directed by W. S. Van Dyke II and produced by Lawrence Weingarten.

Running time, 105 minutes. "G."* W. S.

"Doomed to Die"

(Monogram)

Hollywood, Aug. 7.—Monogram continues its James Lee Wong series with "Doomed to Die," which maintains the pace, the standards and the entertainment quality of its predecessors. Boris Karloff continues as the famed Chinese detective character created by Hugh Wiley, and Grant Withers as the police detective whom Wong constantly aids. Another regular in the cast is Marjorie Reynolds, as the enthusiastic newspaper reporter.

This time the plot deals with two rival steamship operators, one of whom is murdered and the other's son suspected of the crime. Complications develop over the discovery that a Chinese tong's money was being smuggled into the country aboard a liner which is mysteriously fired.

Michael Jacoby wrote the screenplay which William Nigh directed. Paul Malvern was the associate producer.

Others in the cast were Melvin Lang, Guy Usher, Catherine Craig, William Stelling, Henry Brandon, Wilbur Mack, Kenneth Harlen, Richard Loo, Tris Coffin, William Willmering, Mike Donovan, Jack Kennedy and Maxine Leslie.

Running time, 67 minutes. "G."* Vance King

**"G" denotes general classification.*

Five N. Y. Companies Formed

Albany, Aug. 7.—Five film and theatre firms were formed here early this month, Michael F. Walsh, Secretary of State, has revealed.

Lawrence J. Carkey of Utica, who operates neighborhood theatres there and has already taken options on Northern New York houses, is one of the directors in Kadevan Chain Theatres, Inc., together with Stuart A. Lever and Jay L. Katzman, all of Utica. Provisions for $10,000 capital stock were filed by Attorney R. R. Calli of Utica.

Trimount Film Corp., New York, motion picture films, 150 shares, 50 at $100 par value and 100 shares, no par value, by Martin Tansman, Sharon Kahn and Edna J. Sachs, 127 West 30th St., New York. Name of filing attorney was not revealed.

Dessera, Inc., to control theatres, etc., 100 shares, no par value, by Antonia Rossi, Lucille Athana and Ann Nicholls, 1501 Broadway. Filing attorney was Louis M. Weber, same address.

Diana Amusement Corporation, 10 shares, no par value, by Maxwell S. Boas, Frieda Dorn and Jeanne Greengolf, 270 Madison Ave., New York, through attorneys Schiff, Dorfman and Stein, same address.

Knickerbocker Circuit, Inc., Manhattan, $7,500, to operate theatres, by Benjamin Davidson, Charles Segal and Annette Graifer, 21 East 40th St., New York. Segal was the filing attorney.

Theatre Building Spurts in Brazil Szekler Reports

New theatre building in Brazil has taken a spurt with eight houses under construction there now and organization plans in work for two new circuits, Al Szekler, Universal manager for Brazil, who is here on a combined vacation trip and home office visit, reported yesterday.

Among the theatres under construction are four by Loew's, two of which are in Rio de Janeiro and one each in Copacabana and Tijuca. The large Luis Ribeiro circuit is building two new theatres, one in downtown Rio and the other in Tijuca, and Capitao Vital Ramos de Castro also has two under way, one in Tijuca and one in Ipanema.

A new circuit is in formation at Fortalaza Clara with the first unit opened recently and a second new circuit has been organized by Dr. Generoso Ponce with plans to erect theatres in the Rio area to compete with the expanding Loew's, Ribeiro and de Castro circuits there.

Szekler reported that business in Brazil is maintaining a good, normal pace. Difficulties encountered in completing shipments to Europe have limited Brazil's exports and have prevented anything like a war "boom" from materializing there, he said.

Szekler was unimpressed by recent reports that American newsreel companies might establish laboratories and other facilities in South America to expedite delivery of newsreel material throughout Latin America. He inferred that such a project would be wholly unfeasible from the standpoint of returns on the investment involved.

$12,000 for 'Drive' Tops St. Louis Heat

St. Louis, Aug. 7.—The 13-day heat wave in St. Louis exacted a stiff toll among theatres, but "They Drive by Night" did a fairly good business in its first week at the Ambassador, the only film show to go above average. Sammy Kaye grossed only $9,500 at the Missouri, which, while above average, was considerably below expectations.

Estimated takings for the week ending Aug. 1:

"They Drive by Night" (W. B.)
"Ladies Must Live" (W. B.)
AMBASSADOR—(3,018) (28c-39c-56c) 7 days. Gross: $12,000. (Average, $11,500)
"When the Daltons Rode" (Para.)
"Golden Gloves" (Para.)
FOX—(5,038) (28c-39c-56c) 7 days. Gross: $7,500. (Average, $11,000)
"Our Town" (M-G-M)
"Sporting Blood" (M-G-M)
LOEW'S STATE—(3,162) (28c-39c-56c) 7 days. Gross: $9,000. (Average, $13,000)
"Scatterbrain" (Rep.)
MISSOURI—(3,514) (30c-40c-50c) Stage: Sammy Kaye and band. 7 days. Gross: $9,500. (Average, without stage, and on moveover policy from other F. & M. first-run houses, $4,000)
"Lucky Cisco Kid" (20th-Fox)
ST. LOUIS—(4,000) (28c-39c) 7 days. Gross: $1,800. (Average, $2,600)

N.W. Allied Moves

Minneapolis, Aug. 7.—Allied Theatre Owners of the Northwest has moved into larger quarters, which include special facilities for board of governor and exhibitor meetings. Also there is an office for the executive secretary and quarters for the use of Twin City and out-of-town exhibitors.

Paramount's "Golden Gloves"

Dedicated to the YOUTH OF AMERICA !

On February 14th, 1927, the New York Daily News announced the first Golden Gloves amateur boxing tournament. The tournament was started to encourage amateur boxing, the manly art of self defense, to clean up conditions that then surrounded amateur boxing all over the United States.

So successful, such a mighty response did this Golden Gloves idea get from the youth of America that this year more than 200 cities and towns throughout the country now conduct their own Golden Gloves Tournaments. Today Golden Gloves is a national byword for clean living, straight-shooting American young manhood.

It is therefore with great pride that Paramount dedicates this first motion picture ever to tell in action-packed, thrill-packed, heart-stirring sequences the story of **America's GOLDEN GLOVES.** No time, we believe, could be more fitting than the present to honor this glorious proof of the vigor and the courage and the honor of American Youth...

Turn, please . . .

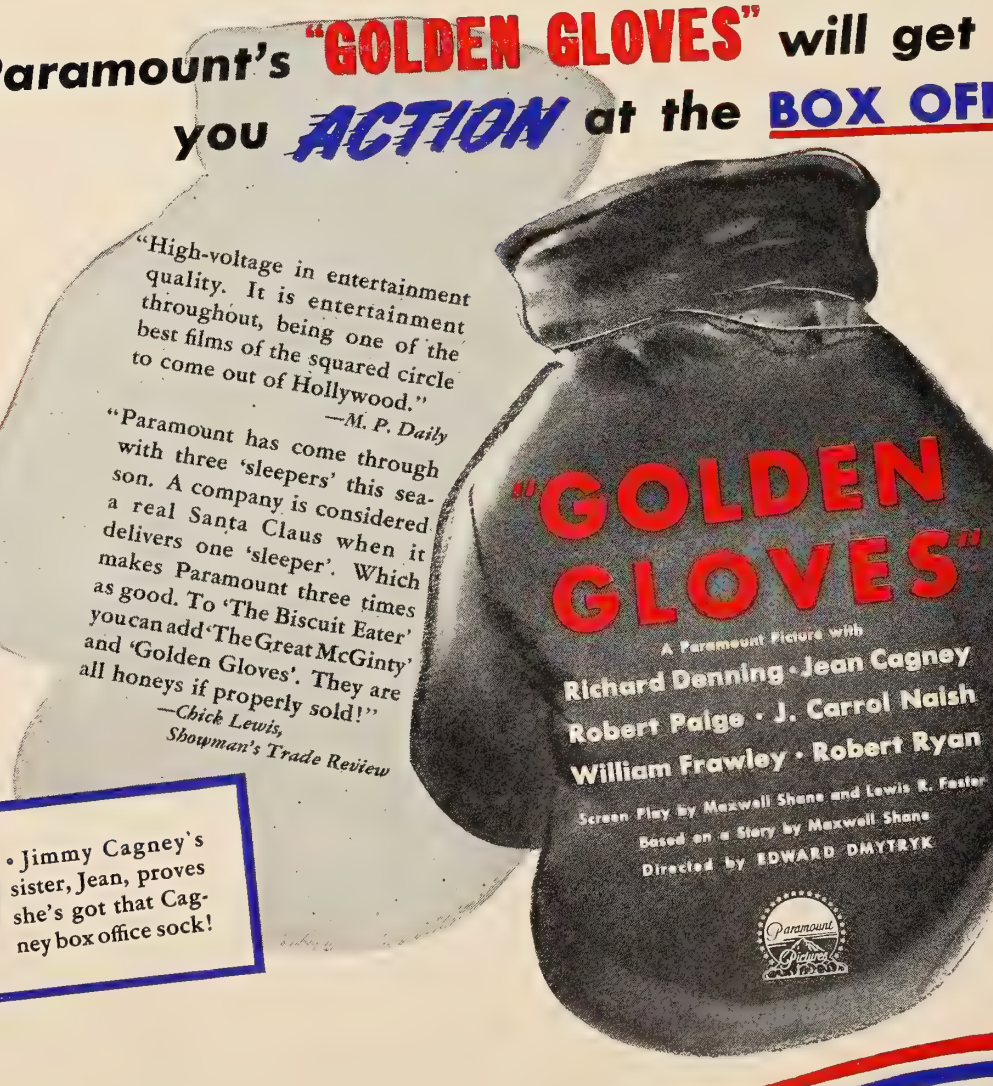
Paramount's "GOLDEN GLOVES" will get you *ACTION* from these GREAT newspapers:

Atlanta, Ga.......................Journal
Beckley, W. Va...Raleigh Register
Bethlehem, Pa..........Globe Times
Bloomington, Ill..........Pantagraph
Buffalo, N. Y.......Courier-Express
Burlington, Ia.....Hawkeye Gazette
Cedar Rapids, Ia................Gazette
Centralia, Ill......................Sentinel
Charleston, W. Va.............. Charleston Gazette
Charlotte, N. C................Observer
Chester, Pa..............................Times
Cleveland, Ohio..........Plain Dealer
Chicago, Ill.........................Tribune
Columbus, Ga.......Ledger-Enquirer
Cordele, Ga......................Dispatch
Danville, Ill.....Commercial News
Davenport, Ia..................... ...Times
Dayton, O...............................News
Des Moines, Ia.......Station W-H-O
Detroit, Mich................Free Press
Evansville, Ind.. . . ..Courier
Fort Smith, Ark.................... Southwest Times-Record
Fort Wayne, Ind...Journal Gazette
Fort Worth, Texas..Star Telegram
Gary, Ind..................Post Tribune
Grand Rapids, Mich..............Press
Green Bay, Wis.........Press Gazette
Harrisburg, Pa..............Telegraph
Huntington, W. Va.......Advertiser
Indianapolis, Ind..................Times
Kansas City, Mo......................Star
Kenosha, Wis.........................News
Kokomo, Ind.......................Tribune
Lafayette, Ind.......Journal-Courier
La Grange, Ga............Daily News
Logan, W. Va....................Banner
Miami, Fla..................Daily News
Memphis, Tenn.................... Commercial Appeal
Michigan City, Ind.............. News-Dispatch
Milwaukee, Wis................Journal
Minneapolis, Minn....................Star
Muncie, Ind.............................Star
Nashville, Tenn.........Tennesseean
Newark, N. J............Sunday Call
New York, N. Y.........Daily News
Oklahoma City, Okla..Oklahoman
Omaha, Neb............World Herald
Peoria, Ill.........Journal Transcript
Perth Amboy, N. J............ Evening News
Philadelphia, Pa................Inquirer
Quincy, Ill................Herald-Whig
Richmond, Ind.......Palladium-Item
Rockford, Ill............Morning Star
St. Louis, Mo.......Globe-Democrat
Sioux City, Ia....................Journal
South Bend, Ind................Tribune
Springfield, Ill..........State Register
Streater, Ill..................Times Press
Syracuse, N. Y.....Herald Journal and Sunday Herald American
Tamaqua, Pa......................Courier
Terra-Haute, Ind.......Tribune Star
Trenton, N. J.........................Times
Union City, N. J................ Hudson Dispatch
Vincennes, Ind.....Sun Commercial
Washington, D. C................Times
West Palm Beach, Fla...Post Times
Wilmington, N. C.........Star News
Wisconsin Rapids, Wis.....Tribune
Williamson, W. Va...Daily News

WESTCHESTER COUNTY, N.Y.
RECREATION COMMITTEE

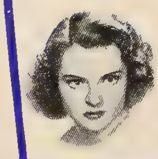
New Rochelle Standard Star
Peekskill Evening Star
White Plains Dispatch
White Plains Reporter
Yonkers Herald Statesman
Yonkers Times

Paramount's "GOLDEN GLOVES" will get you *ACTION* at the BOX OFFICE!


"GOLDEN GLOVES"
A Paramount Picture with
Richard Denning · Jean Cagney
Robert Paige · J. Carrol Naish
William Frawley · Robert Ryan
Screen Play by Maxwell Shane and Lewis R. Foster
Based on a Story by Maxwell Shane
Directed by EDWARD DMYTRYK
Paramount Pictures

"High-voltage in entertainment quality. It is entertainment throughout, being one of the best films of the squared circle to come out of Hollywood."
—*M. P. Daily*

"Paramount has come through with three 'sleepers' this season. A company is considered a real Santa Claus when it delivers one 'sleeper'. Which makes Paramount three times as good. To 'The Biscuit Eater' you can add 'The Great McGinty' and 'Golden Gloves'. They are all honeys if properly sold!"
—*Chick Lewis, Showman's Trade Review*



• Jimmy Cagney's sister, Jean, proves she's got that Cagney box office sock!

PRINTED IN U.S.A.

Three Brokers Called to RCA Senate Probe

Washington, Aug. 7.—Subpoenas for the appearance of three Washington real estate brokers to testify to their connection with the selection of Roger K. Whiteford as counsel for Radio Corp. of America in the 1932 Government anti-trust suit, were issued today by the Senate Interstate Commerce Committee which is holding hearings on the renomination of Thad H. Brown as a Federal Communications Commission member.

Because of the new angle the investigation has taken, the committee rescinded its agreement of last week to vote on Brown's nomination today but Sen. Burton K. Wheeler expressed a desire to conclude the hearings as early as possible.

Tells About Deal

Robert D. O'Callaghan, former RCA attorney, testified that two of the three brokers had threatened to "expose" the alleged deal by which postponement of the trial was reportedly obtained. The brokers, O'Callaghan said, were paid about $1,250 each after he and Mrs. Whiteford had read the blackmail statute to them in the latter's office.

David Sarnoff, RCA president, today again explained the trip made to former Senator Moses' office in Concord, N. H., to discuss the case, drawing the comment from Sen. Wheeler that the whole procedure was "very unusual, to say the least." Sarnoff admitted that it might be unusual but pointed out that it had been recommended by the company's counsel and that the issues involved were of such national importance that he thought it justified.

Sarnoff Denies Lobby

Sarnoff denied that RCA had any lobby to prevent the Congressional investigation of the FCC in 1938. Sen. Charles W. Tobey read a letter from former Rep. John O'Connor who charged that after President Roosevelt had ordered him "purged" CBS had offered a national hookup to carry his defense and was put into the "doghouse" by the White House as a result. Sarnoff protested as "unfair" the introduction of the President's name and declared that he had not met the President until some months after the inauguration.

When asked why RCA had not fought minority stockholders' suits, Manton Davis, RCA general counsel, admitted that two suits had been settled out of court but added that RCA had not adopted the policy of fighting them to a finish because "you can settle with a blackmailer." Davis denied that RCA officers and directors had purchased Victor stock prior to absorbing that company and then had circulated rumors of the impending purchase to send Victor stock quotations up. Davis said such charges would be answered in the stockholders' suit to be tried in the New York Supreme Court next month.

Tomorrow the committee will question E. O. Keller, who made an affidavit alleging bribery, as well as Whiteford and the three brokers.

Off the Antenna

THE problem of satisfying the demands of distributors and retailers of sponsored products for tickets to studio broadcasts of popular programs has long been a vexing one to both advertising agencies and the companies sponsoring the programs. This is especially true when the program originates as a stage show from a film house. Anticipating these difficulties, Mars, Inc., candy manufacturer, who sponsor "Dr. I. Q." has hired Madison Square Garden for Friday, Aug. 16, and invited distributors, retailers and their families to attend. This show will be over WJZ. "Dr. I. Q." is scheduled to broadcast from the Capitol Theatre the following Monday night and for seven weeks thereafter.

• • •

Purely Personal: *Thomas D. Connolly, who has been with the CBS sales promotion department for the past two years, has been named to the newly created post of manager of the merchandising service. . . . John E. Norton, CBS engineer, and Mrs. Norton, will return today on the "Santa Rosa" after a 12-day cruise. . . . Alec Templeton will be guest on the "Chamber Music Society of Lower Basin Street" over NBC-Blue Sunday at 4:30 P. M.*

• • •

Both the Red and Blue networks of NBC, CBS and Mutual will carry the acceptance speech of Wendell L. Willkie in Elwood on Saturday, Aug. 17 from 5 to 6 P. M.

• • •

Program News: Gabriel Heatter's sponsor, Kreml, has purchased six additional Mutual stations to carry Heatter's Wednesday and Friday broadcasts now heard over WOR alone. Heatter is also heard over Mutual on Thursdays and Saturdays for *Liberty*. Peter Paul, Inc., which sponsors Heatter's talks on Sundays will add two additional stations this Sunday. Wythe Williams is substituting for Heatter Sundays during the latter's vacation. . . .

Zeke Manners and his gang will return to WNEW Aug. 18 and will be heard on behalf of Community Opticians for 15-minute shows Mondays through Saturdays at 7:30 P. M. and for one hour at 11 Sunday mornings. The contract, which runs for 10 weeks, also includes sponsorship by Community of 12 weekly 15-minute periods on Martin Block's "Make Believe Ballroom." . . . Tums will add four Florida stations to the NBC-Blue network carrying the "Pot O' Gold" on Oct. 3, bringing the total to 96 stations. . . . Gus Van has switched his "Melody Man" show over WHN to 6:15 P. M. Mondays, Wednesdays and Fridays.

• • •

Mutual *has decided to adopt official colors and has hit upon green and gold. Henceforth all banners, nameplates, and letterhead decorations will be green and gold. The reason Mutual could not get green was because that color had been preempted by the Exponent network of West Virginia.*

• • •

KGLU, Safford, Ariz., will join NBC Sept. 1 to become the 196th affiliate of the network. It will be a bonus outlet for users of KTAR, Phoenix. Basic rate for the station will be $6 per evening hour and $3 for daytime hours. KGLU is owned by Gila Broadcasting Co. and operates full time on 1,420 k.c. with 250 watts.

CBS 6-Month Net Rises to $2,957,276

CBS yesterday reported a net profit of $2,957,276 for the first six months of 1940, after all deductions, as compared with $2,732,527 for the same period last year. Earnings were equivalent to $1.72 for each of 1,716,277 shares of common stock, as compared with $1.59 last year.

Gross income from the sale of facilities, talent, lines, records and the like, of $24,952,293 was subject to time discounts, agency commissions, record returns, allowances and discounts of $7,262,916 to leave $17,689,376 as compared with $15,076,554, for the same period last year.

The board of directors yesterday declared a dividend of 45 cents on all Class A and B stock, payable Sept. 6 to stockholders of record Aug. 23.

Sues Warners on Song

Serge Adelheim filed suit yesterday in the N. Y. Supreme Court against Warners for $5,000 damages. The plaintiff is suing as assignee of A. Beresonsky, Russian composer, and charges Warners with using Beresonsky's song, "Be Still My Grief, Be Still," in the film, "British Agent." Warners seeks dismissal of the suit on the ground that it fails to state a cause of action.

Buck Says Crosby Stays with Ascap

Hollywood, Aug. 7.—Ascap members at a special meeting last night were told by Gene Buck, president, that Bing Crosby will refuse to broadcast if he is not permitted to use Ascap music after Jan. 1. Those present, numbering almost 200, cheered Crosby as Buck indicated that other performers might follow suit.

In his speech Buck described the Washington, Montana and Florida court victories in which anti-Ascap legislation was declared unconstitutional and asserted "we have not lost a fight yet because we are right." Buck said that a serious battle with the radio industry and Broadcast Music, Inc., was ahead but that he was confident of ultimate victory.

L. Wolfe Gilbert was chairman and he declared that although BMI had carried its fight to the public, Ascap, has "not begun to fight yet." Buck left tonight by plane for New York.

Levy Monogram Salesman

St Louis, Aug. 7.—Lester Levy has joined Monogram as a salesman here. He was replaced as booker by Ralph J. Heft, formerly with RKO.

Willkie's Free Time to Match Roosevelt's

San Francisco, Aug. 7.—The National Association of Broadcasters, at its third convention session today, was told in effect that Wendell Willkie, Republican candidate for President, would get free network time in proportion to the campaigning, if any, on Roosevelt's fireside chats.

The question was raised by Dick Bard of WNEW, New York, and answered by Paul Kesten, CBS vice-president. Spokesmen for the networks earlier said Willkie will get time equal to that granted Roosevelt, but did not indicate if Willkie's time would be free. This is now contingent on whether Roosevelt will use his fireside chats to carry his campaign.

The convention ends tonight with a banquet at the Fair, preceded by a CBS cocktail party. Frequency modulation and television demonstrations were heavily attended today.

NAB directors, including nine elected Tuesday night, extended Neville Miller's contract as president an additional year, making it two years to run. Miller also was voted a salary increase.

New directors are Mark Ethridge and George Norton, Jr., Louisville; Harold Hough, Ft. Worth; Don Searle, Omaha; Harry Spence, Aberdeen, Wash.; John Elmer, Baltimore; Edward Klauber, CBS; Fred M. Weber, Mutual, and Frank Russell, NBC.

Nine International Outlets Now 50 k.w.

Washington, Aug. 7.—Five additional International broadcast stations were authorized today by the FCC to use 50 kilowatts of power, increasing to nine the number of stations authorized to use the required minimum.

Stations given power boosts today were WRCA and WNBI, operated at Bound Brook, N. J., by NBC, heretofore using 35 kilowatts; CBS's WCBK, Wayne, N. J., formerly 10 kilowatts; and the General Electric stations WGEA, Schenectady, N. Y., formerly 25 kilowatts, and KGEI, San Francisco, formerly 20 kilowatts.

Three other stations have yet to bring their power to the specified minimum, WCAB, Newton Square, Pa., and WBOS, Millis, Mass., using 10 kilowatts, and WDJM, Miami, Fla., using five kilowatts, and have until January 1, next, to provide for the necessary increase.

Three New Station Licenses Are Sought

Washington, Aug. 7.—The Federal Communications Commission has been asked to approve construction of three new 250-watt broadcasting stations.

Construction permits were asked in applications filed by T. B. Gillespie for a 1,310 k. c. station at Palatka, Fla.; South Florida Broadcasting, Inc., for a 1,500 k. c. station at Miami, and Krutzner Broadcasting Company for a 1,210 k. c. station at Tucumcari, N. Mex.

MOTION PICTURE DAILY'S BOOKING CHART

[Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (A) Adult, (G) General, (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action]

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
July 12		Sporting Blood (G-D) *Bob Young* *M. O'Sullivan*		Stagecoach War (G-O) *Bill Boyd* *Russell Hayden*	Three Faces West (D) Carolina Moon (O)	Cross Country Romance (G-C) *Gene Raymond* *Wendy Barrie*	Manhattan Heartbeat (G-D) *Robert Sterling* *Virginia Gilmore*			All This and Heaven Too (D) *Bette Davis* *Charles Boyer*
July 19	Military Academy (D) *Tommy Kelly* *Bobby Jordan*	We Who Are Young (A-D) *Lana Turner* *John Shelton*	Haunted House (D) *Marcia Mae Jones* *Jackie Moran*		Scatterbrain (G-C) *Judy Canova* *Alan Mowbray*	Tom Brown's School Days (D) *Jimmy Lydon* *F. Bartholomew*	Maryland (G-D) *Walter Brennan* *Fay Bainter*	South of Pago Pago (G-D) *V. McLaglen* *Jon Hall*	Black Diamonds (D) *Richard Arlen* *Andy Devine*	My Love Came Back (G-C) *O. DeHavilland* *J. Lynn*
July 26	Blondie Has Servant Trouble (C) *Singleton-Lake*	Gold Rush Maisie (C) *Ann Sothern* *Lee Bowman*	Boys of the City (D) *East Side Kids*	Untamed (G-D) *Ray Milland* *P. Morison* *A. Tamiroff*	Girl From God's Country (G-D) *Morris-Wyatt*	Stage to Chino (O) Millionaires in Prison (D)			You're Not So Tough (G-D) When the Daltons Rode (O)	Ladies Must Live (D) *R. Lane* *Jeffrey Lynn*
Aug. 2		Pride and Prejudice (G-C) *Greer Garson* *L. Olivier*	Orphans of the North (D) Rainbow Over the Range (O)	Golden Gloves (D) *Richard Denning* *Robert Paige*	Ranger and the Lady (O) *Roy Rogers*	Queen of Destiny (D) Walt Disney Festival	The Man I Marreid (D) *Joan Bennett* *F. Lederer*		South to Karanga (O) *Chas. Bickford* *James Craig*	They Drive By Night (A-D) *Ann Sheridan* *H. Bogart*
Aug. 9	The Lady in Question (D) *Brian Aherne*	I Love You Again (D) *William Powell* *Myrna Loy*	Doomed to Die (D) Chamber of Horrors (D)	Mystery Sea Raider (D) *H. Wilcoxon* *Carole Landis*	Sing, Dance Plenty Hot (M) *Johnny Downs* *Ruth Terry*	One Crowded Night (D) *William Haade* *Billy Seward*	Girl From Ave. A (D) *Jane Withers* *C. Aldrich*	Captain Caution (D) *Victor Mature* *Louise Platt*	Boys from Syracuse (G-M) *Allan Jones* *Martha Raye*	River's End (D) *Dennis Morgan* *Victor Jory*
Aug. 16	The Durango Kid (O) The Secret Seven (D)	Golden Fleecing (D) *Lew Ayres* *Rita Johnson*	Laughing at Danger (D) Range Busters (O)	Comin' Round the Mountain (C) *Burns-Merkel*		Ramparts We Watch (D) Strangler on the Third Floor (D)	Return of Frank James (O) *Henry Fonda* *Jackie Cooper*	Foreign Correspondent (D) *Joel McCrae* *Laraine Day*		Money and the Woman (D) *Jeffrey Lynn* *Brenda Marshall*
Aug. 23	He Stayed for Breakfast (C) *Loretta Young* *Melvyn Douglas*	Busman's Honeymoon (D) *R. Montgomery* *C. Cummings*	Missing People (D) Arizona Frontier (O)	The Great McGinty (G-C) *Brian Donlevy* *Muriel Angelus*		Dance, Girl, Dance (D) Wildcat Bus D)	Pier 13 *Lynn Barie* *Lloyd Nolan*			Flowing Gold (D) *Pat O'Brien* *John Garfield*
Aug. 30	Five Little Peppers in Trouble (D) *Edith Fellows*	Boom Town (D) *Clark Gable* *Spencer Tracy*	Queen of the Yukon (D) *Chas. Bickford* *Irene Rich*		Oklahoma Renegades (O) Earl of Puddlestone (C)	Lucky Partners (D) *Ginger Rogers* *Ronald Colman*	The Great Profile (C) *John Barrymore* *Mary B. Hughes*	Kit Carson (O) *Lynn Bari* *Jon Hall*		Sea Hawk (D) *Errol Flynn* *Brenda Marshall*
Sept. 6	Fugitive From a Prison Camp (D) *Jack Holt* *Marion Marsh*	Escape (D) *Norma Shearer* *Robert Taylor* *Nazimova*	On the Air (D) *Frankie Darro*	Rhythm on the River (M) *Bing Crosby* *Mary Martin*	Ride, Tenderfoot, Ride (O) *Gene Autry* *Smiley Burnett*	Men Against Sky (D) *Richard Dix* *Kent Taylor*	Street of Memories (G-D) *Lynn Roberts* *Guy Kibbee*		Argentine Nights (M) *Ritz Brothers* *Andrew Sisters*	
Sept. 13	Howards of Virginia (D) *Cary Grant* *Martha Scott*	Bad Man of Wyoming (D) *Wallace Berry* *Leo Carrillo*	Who Is Guilty? (D) *Ben Lyons* *Barbara Blair*	Aldrich Family in Life With Henry (C) *Jackie Cooper*		Dreaming Out Loud (C) Wagon Train (O)	Brigham Young (D) *Tyrone Power* *Linda Darnell*		Hired Wife (C) Leather Pushers (D)	
Sept. 20	Wizard of Death (D) *Boris Karloff* *Evelyn Keyes*	Dr. Kildare Goes Home (D) *Lew Ayres* *L. Barrymore*	The Ape (D) *Boris Karloff* Riding the Western Plains (O)	I Want A Divorce (D) *Joan Blondell* *Dick Powell*		I'M Still Alive (D) *Kent Taylor* *Linda Hayes*	Ghost of the Cisco Kid (O) *Cesar Romero* *Robert Sterling*	The Westerner (O) *Gary Cooper* *Walter Brennan*	Mummy's Hand (D) *Dick Foran* *Peggy Moran*	
Sept. 27	Before I Die (D) *D. Fairbanks, Jr.* *Rita Hayworth*	Strike Up The Band (M) *Rooney-Garland* *Paul Whiteman*		Victory (D) *Fredric March* *Betty Field*		They Knew What They Wanted (D) Triple Justice	Young People (D) *Shirley Temple* *Jack Oakie*	Thief of Bagdad (D) *Conrad Veidt* *Sabu*	Spring Parade (M) *Deanna Durb* *Robert*	

Latest Styles...
Greatest Variety in
Shorts come from
PARAMOUNT!

July 19
Headliner
PINKY TOMLIN
and his
Orchestra

August 2
Popeye Cartoon
"DOING IMPOSSIKIBLE STUNTS"

August 2
Cinecolor
"UNUSUAL OCCUPATIONS No. 6"

August 9
Paragraphic
"PARAMOUNT PICTORIAL No. 2"

100%
BOX OFFICE TESTED

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 29 NEW YORK, U. S. A., FRIDAY, AUGUST 9, 1940 TEN CENTS

Special Plan For Exhibition Of 'Dictator'

Chaplin Film to Be Sold Like 'Gone With Wind'

An exhibition policy for Charles Chaplin's "The Great Dictator" similar to that employed by Loew's for "Gone With the Wind" is expected to be adopted within the next few days.

Distribution terms have not been set and probably will not be definite until Harry Gold and L. J. Schlaifer, Universal vice-presidents of distribution, go to the Coast in about two weeks to confer with Chaplin.

The exhibition plan calls for initial openings late in September in six key cities, with two theatres in each city playing the picture. One house will be on a two-a-day, reserved seat policy with a top admission of $1.50. The other will play on a continuous policy at 50 and 75 cents and $1. Theatres and cities for the initial openings have not been selected yet.

"The Great Dictator" runs two hours and five minutes. It has been changed in no respect from the originally completed version, United Artists officials say. The production cost was approximately $2,000,000.

Exhibition plans were discussed by Chaplin and Maurice Silverstone, United Artists' chief executive, who will arrive from the Coast tomorrow.

Cooler Weather Helps B'way Gross

Grosses at Broadway first runs recovered somewhat during the past three days as the result of cooler weather but tallies for the week were low for the most part. The Music Hall had a big opening yesterday with "Pride and Prejudice" bringing an estimated $13,500 for the day. There were long lines and waiting periods during the matinees.

"They Drive By Night" aided by a stage show featuring George Raft and Will Osborne's band drew an estimated $41,000 at the Strand in its second week. "South of Pago Pago," with a stage show at the Music Hall, was off, producing an estimated $66,000. At the Roxy, "The Man I Married" with a stage show drew an estimated $33,000. In its 33rd week at the Astor, "Gone With the Wind" picked up again and grossed an estimated $8,800. "Andy Hardy Meets

(*Continued on page* 2)

SPG Asks Meeting On Company Pacts

The Screen Publicists Guild here has notified all companies that it claims a majority of those employed in the home office publicity department. In a letter to the companies, Boudin, Cohn & Glickstein, attorneys for the SPG, asked that conferences be set for the purpose of negotiating contracts on behalf of the union.

National Broadcasts For Para. Premieres

Premieres of forthcoming Paramount pictures will be planned for national radio coverage, according to Robert M. Gillham, director of advertising and publicity.

First in the new order will be the Bob Burns picture, "Comin' 'Round the Mountain," which will have its premiere at the Paramount, Nashville, tomorrow night. In conjunction with the premiere, the Uncle Ezra and Grand Old Opry radio programs will be broadcast from the theatre stage, the first to be carried on 81 stations of the NBC Red and the second over a 25-station NBC hookup.

Similar arrangements have been made for the press preview of the Bing Crosby picture, "Rhythm on the River," at the Del Mar racetrack, California, Aug. 16. Stars of the picture will participate in a Coast-to-Coast broadcast over the NBC Blue that night.

CONSENT DECREE SEEN ABANDONED

But Washington Believes Satisfactory Agreement Is Still Possible

That there will be no consent decree settlement of the Government anti-trust suit is a conviction now held by high industry officials as a result of the rejection of the presently proposed decree by 20th Century-Fox and Paramount.

The principal objection to the present decree shared by both companies is centered on its escape clause, and responsible industry opinion holds that no new escape clause will be granted by the Government.

[Commenting on the rejection of the proposed decree terms by 20th Century-Fox and Paramount, Washington authorities last night believed that "some satisfactory agreement" may still be reached before the New York case again comes up for trial Oct. 14. Department of Justice officials, however, indicated they are ready to proceed with the trial.]

Advocates of the proposed decree point out that it would, in all probability, bring an end to all pending Federal litigation against the industry

(*Continued on page* 4)

Gallup Poll Shows Public Against Duals

PRINCETON, N. J., Aug. 8.—In a nationwide survey conducted by the American Institute of Public Opinion the public expressed a preference for single feature programs as opposed to double bills by 57 per cent to 43 per cent, Dr. George Gallup, director, revealed today.

Children under the age of 18 and those in the lower income brackets, however, supported double features, the survey revealed, while those over 18 and those in the middle income and upper brackets strongly favored single features. The variation in prefeence by age was stressed because, according to the survey, 60 per cent of all theatre admissions are accounted for by those under 30 years.

The survey revealed that most sections of the country reacted similarly with the New England States as the

(*Continued on page* 4)

Nazi Films Thrive Here; U. S. Banned Over There

(Editor's Note: This week, it was learned in New York, all films of M-G-M and 20th Century-Fox were banned both in Germany and in all occupied areas. This action, it is understood, was due simply to the displeasure of German authorities because of the release in the United States by these companies of films critical of the Nazi regime and practices.)

By SHERWIN A. KANE

Summer doldrums may find business languishing elsewhere but the 96th St. Theatre, in the heart of New York's German-populated Yorkville, has no complaint.

An official German reel, "Feldzug in Polen," depicting the conquest of Poland, and an Ufa film record of the last days of the war in France, together with views of a victorious German naval engagement, are the principal attractions. Exploitation is limited to a modestly lettered sign bearing in German, the titles of the reels. The sign swings slowly above the heads of passersby in Third Avenue.

Inside the 300-seat theatre, ventilated only by electric fans and firedoors opened to an alleyway, every seat is occupied and the rear of the house is packed with perspiring standees.

"Feldzug in Polen" and the Ufa military newsreel unwind before an appreciative audience of shopkeepers, clerks, mechanics, hausfraus and, here and there, a sampling of more prosperous patronage.

(*Continued on page* 2)

M.P.T.O.A. Weighs Protest Mass Meet

Columbus, Miss., Aug. 8.—An exhibitor mass meeting to consider the proposed Federal consent decree, as suggested by Max A. Cohen, head of Allied Theatre Owners of New York, an M.P.T.O.A. affiliate, in a wire yesterday to Ed Kuykendall, M.P.T.O.A. president, will depend on the views of members of the M.P.T.O.A. executive committee whom Kuykendall is now canvassing.

The M.P.T.O.A. head personally favors such a meeting but is of the belief that his organization will be consulted by the Government before the decree becomes final and can express its views at that time. Kuykendall plans to issue a statement tomorrow regarding Cohen's request.

Personal Mention

WILLIAM C. GEHRING, 20th Century-Fox Central division manager, returns today from Montreal and Toronto.

•

JOSEPH SEIDELMAN, Universal foreign department head, leaves for the Coast today to visit the studio.

•

ED STEIN, former Samuel Goldwyn publicist, has returned to United Artists for a special assignment.

•

CHARLES STIEFEL, Philadelphia exhibitor, is in Saratoga.

•

DE WARD JONES, Radio City Music Hall publicity representative, has disclosed his marriage to ANN WILLARD on May 30.

•

DR. HERBERT KALMUS has arrived from the Coast.

•

CLARENCE WALKER, supervisor of the Shaw and Roxy, in Quincy, Fla., was a visitor at the Quigley Publications offices yesterday.

•

VERNON POPE, editor of *Look,* is here from Des Moines, contacting film companies.

•

KAY SULLIVAN of JOSEPH M. MOSKOWITZ's office at 20th Century-Fox will spend the weekend at the Monmouth Hotel, Spring Lake, N. J.

•

MILDRED COBURN of the Columbia branch in Des Moines is a New York visitor.

Nazi Films Thrive Here; U. S. Banned Over There

(*Continued from page* 1)

The reels, both in selection of material and Germanic-accented commentary, are Nazi propaganda—stark and official.

The events leading up to the "provocation" of Germany in her attack on Poland, we learn from the commentator, were, first, the Germanic characteristics of the Free City of Danzig; the "persecution" of German nationals residing in Danzig; the rejection by Poland of Hitler's proposals for redrawing the boundaries of the Free State and, finally, British "encouragement" of Polish military action against the Reich.

The German military machine goes into action, sweeping everything before it until it has enclosed the capital city of Warsaw in a tight armed ring. Graciously, the German high command, the commentator tells us, waits 24 hours before shelling Warsaw, pleading the while for surrender. Then destruction and the inevitable capitulation.

In this, there are frequent appearances of Adolph Hitler, conferring with officers, reviewing troops. With his every appearance a ripple of applause runs through the audience. It is not a demonstration; rather a testimonial, sufficient to put the audience on record.

The Ufa military cameraman rides with the *Scharnhorst* into the North Sea and films what the commentator tells us is the sinking of a British airplane carrier and its accompanying cruisers. We do not see them. But we do see the sinking of what is described as a 21,000-ton British troop ship.

The skies are dark with German planes over the Maginot lines. The roads, the forests and the fields of Lorraine crawl with German troops, afoot, in tanks, in trucks, armored cars, motorcycles and on horse. Speedboats loaded to the gunwales with infantry come across the Rhine unchallenged for the assault on the now-isolated Maginot Line.

The camera shows the twisted, pulverized steel and concrete of a Maginot fort and the commentator speaks with derision: *"This* was the Maginot Line."

Then the long lines of prisoners taken, and the camera comes to focus on a dozen of these. They are, probably, the most aboriginal Senegalese ever to have strayed so far from their native Africa. And the commentator remarks: *"These* are the 'defenders of civilization.'" The audience titters appreciatively.

Nazi emblems unfurl before the battle monuments of the last World War, obliterating as effectively as though they never had been uttered phrases such as Verdun's, "They shall not pass." Hitler stands between the Foch memorial and the Armistice dining car at Compiegne and reads complacently the graven words at his feet memorializing the Armistice of 1918.

Through the audience runs a ripple of emotion.

The film unwinds. There is destruction only for the enemy. There is no death or suffering for the German soldier for, in these German-made reels, theirs is the power and the glory.

The reels come to an end. There is the inspection and approval seal of the State of New York at the end of each.

Libson Presents Check

CINCINNATI, Aug. 8.—Isaac Libson, managing director of RKO Midwest, today presented to Robert McIntosh, chairman of the Hamilton County Chapter, National Foundation for Infantile Paralysis, a check for $1,000, representing theatre collections for the Will Rogers Memorial Fund.

Cooler Weather Helps B'way Gross

(*Continued from page* 1)

Debutante" drew an estimated $35,000 for its first week at the Capitol and was held over.

Opening today are "The Sea Hawk" with Phil Spitalny's band on the stage at the Strand and "The Return of Frank James" at the Roxy.

K. C. Business Better

KANSAS CITY, Aug. 8.—Somew[illegible] cooler weather has aided the downtown theatres for the past three days. Rain and still cooler weather for today and tomorrow will probably mainly help the smaller houses in the city and vicinity.

'Virginia' Premiere Sept. 4 in Richmond

Columbia will hold the premiere of "The Howards of Virginia" Sept. 4 at the Byrd, State and Westhampton Theatres in Richmond. The film will continue thereafter at all three.

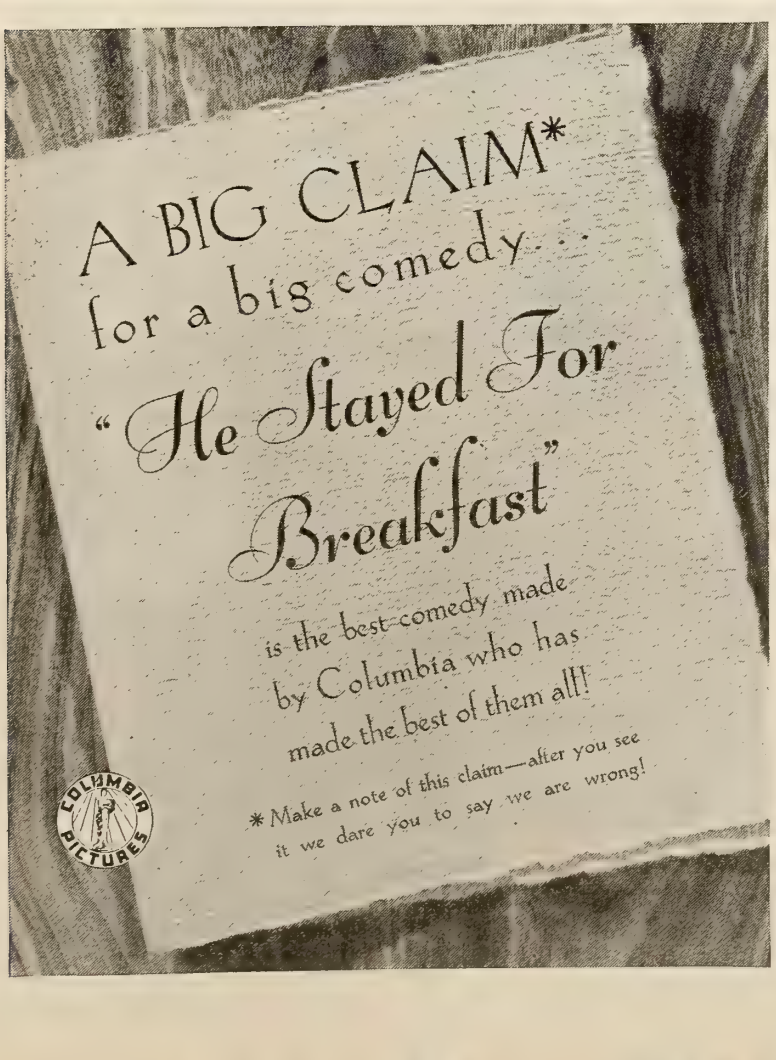
Frank Lloyd, producer-director, Martha Scott, star, and Jack Skirball, associate producer, will head a Hollywood delegation. Columbia executives and officials of Virginia, Washington and neighboring states are scheduled to attend.

Butterfield Closes For Republic Films

DETROIT, Aug. 8.—Republic has closed a deal for its entire new season program with the Butterfield Circuit of 110 theatres. The contract was negotiated by James R. Grainger, Republic president, and Sam Seplowin, Detroit branch manager, with E. C. Beatty, president of Butterfield, and J. Ollie Brooks.

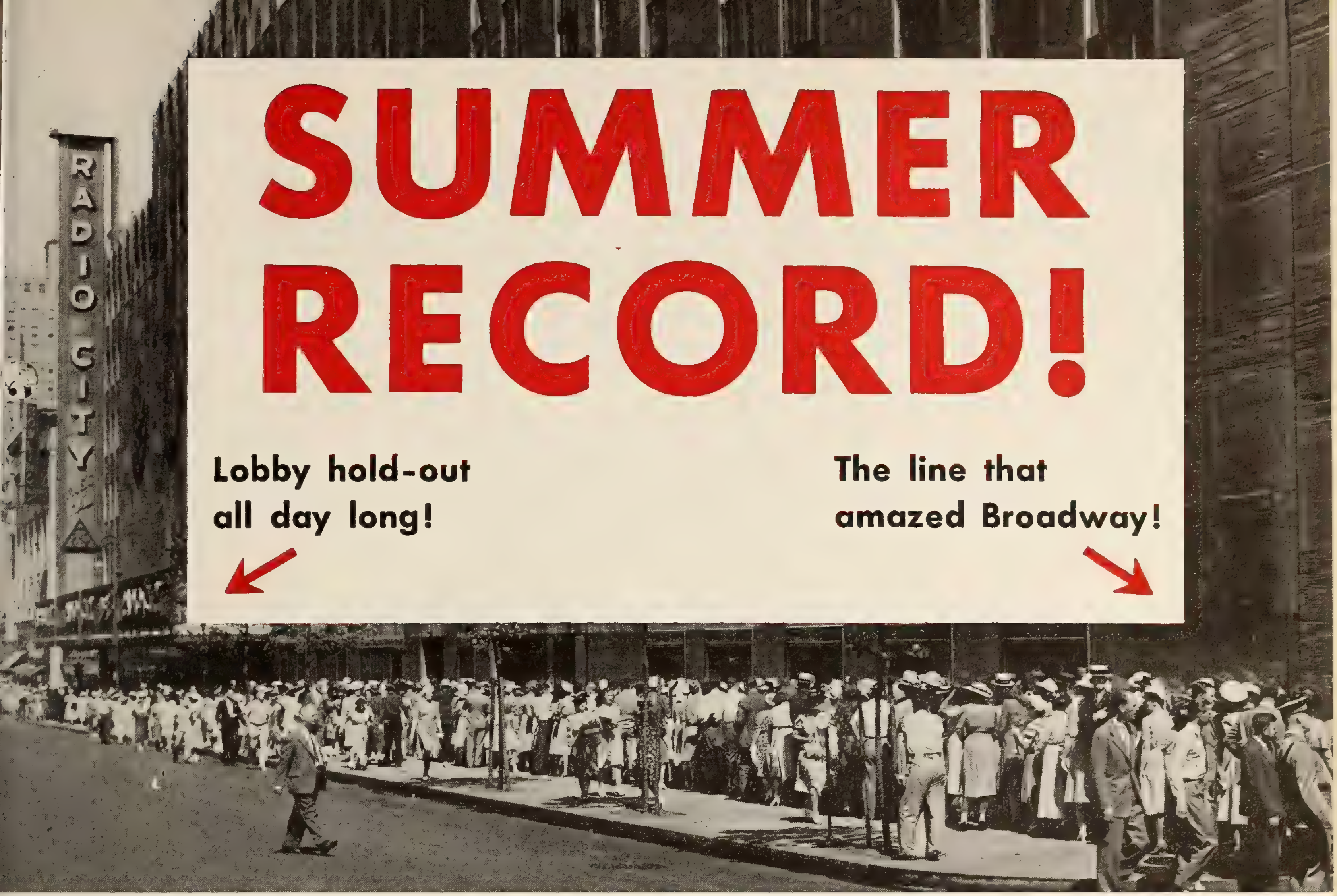
Low War Premiums For British Studios

LONDON, Aug. 8.—Details of the Government's insurance plan to protect producers whose operations are interrupted by enemy action are understood to have been completed today. Indications are that the plan provides for extremely low premiums which will be virtually equivalent to the rates paid for sickness insurance.


A BIG CLAIM*
for a big comedy...
"He Stayed For Breakfast"
is the best comedy made by Columbia who has made the best of them all!
* Make a note of this claim—after you see it we dare you to say we are wrong!
COLUMBIA PICTURES

Lindy's INC.
RESTAURANTS
1626 BROADWAY 1655
(Next to the Rivoli Theatre) (51st Street Corner)
For over 20 years the luncheon and dinner place for Motion Picture People
Sole agents in New York for FAMOUS
BLUM'S ALMONDETTES
from
San Francisco, California

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938. at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



SUMMER RECORD!

Lobby hold-out all day long!

The line that amazed Broadway!

M-G-M's "PRIDE AND PREJUDICE" WOW!

Biggest business of summer
At Radio City Music Hall!
Topping every previous M-G-M hit!
Topping "Ninotchka" and "Balalaika"—
Both holiday releases and
Both played three weeks!
And the weather is h-o-t!

"PRIDE AND PREJUDICE" starring GREER GARSON and LAURENCE OLIVIER
with Mary Boland • Edna May Oliver • Maureen O'Sullivan • Ann Rutherford • Frieda Inescort
Screen Play by Aldous Huxley and Jane Murfin • Directed by ROBERT Z. LEONARD • Produced by HUNT STROMBERG

Ten Mutual Outlets Reject Ascap Terms

Ten key stations in the Mutual network have rejected the Ascap terms, Fred Weber, general manager, declared yesterday in a letter to affiliates. The stations are WOR, Newwark; WGN, Chicago; WKRC, Cincinnati; WAAB, Boston; WHK, WCLE, Cleveland; KHJ, Los Angeles; KFRC, San Francisco; KGB, San Diego; and KDB, Santa Barbara.

The letter pointed out that Mutual does not originate programs but merely makes available programs originated by member stations. After Jan. 1, Weber stated, programs from the 10 stations will not be available for the network.

Court Clerk Denies Influence by RCA

WASHINGTON, Aug. 8.—Denying charges that he had been influenced to secure a postponement of the trial of the Government anti-trust suit against Radio Corp. of America in 1932, H. C. Mahaffie, clerk of the Wilmington Federal Court, today told the Senate Interstate Commerce Committee that the postponement had been caused by the ill health of the presiding judge. E. O. Keller, who made the affidavit charging Mahaffie with receiving $15,000 for the postponement, admitted today that much was hearsay.

Gallup Poll Shows 57% Of Public Oppose Duals

Hollywood, Aug. 8.—Samuel Goldwyn's reactions to the Gallup Poll results included: "We are guiding our business by what children up to 17 years of age and persons on relief like, while there are 30 million persons economically able to attend films who do so not at all or rarely. This large group is three-to-one for single features." Goldwyn had suggested that the poll be made.

(*Continued from page* 1)

only place where double features are more popular than single bills.

The report pointed out that an estimated total of 32,000,000 persons financially able to attend film theatres frequently actually go less than once a month.

Competition from radio and night sports was seen as increasing. Of those interviewed, 55 per cent reported that they were spending more time listening to the radio this year than last while only 15 per cent reported listening less. Although the survey was made during the Summer, three times as many persons said they stayed home expressly to listen to the radio as said they go to motion pictures.

The text of the question was:

"Would you rather go to a motion picture theatre showing a single feature or to one showing a double feature?"

The report concluded that the figures "go a long way toward explaining a seeming paradox in the motion picture industry. Theatre owners have long known that most people prefer single features; yet when individual exhibitors have changed from a double to a single policy, their busines has declined. Theatres which draw a large part of their business from children and the poorer classes, and theatres located in a part of the country which favors double features, would obviously suffer by changing to single features, particularly if the single features are not of sufficient quality to attract customers in the higher age and income levels."

Analyzed separately the survey revealed:

	For Singles	For Doubles
Age Groups		
6-12 years	23%	77%
12-17	42	58
18-24	60	40
24 and over	68	32
Income Groups		
Upper	75	25
Middle	63	37
Lower	47	53
Relief	42	58
Sections		
New England	43	57
Mid-Atlantic	55	45
East Central	62	38
West Central	57	43
South	58	42
Rocky Mt.	62	38
Pacific Coast	56	44
Sex		
Males	56	44
Females	58	42
Admissions		
Less than 30 cents.	51	49
More than 30 cents.	67	33

Reasons generally given for prefering single features were that (1) either one or both films was likely to be a "poor" picture; (2) sitting through a double feature is fatiguing and takes too much time; (3) seeing two full-length films is confusing. Reasons for preferring double features were that (1) a double bill gives more for one's money; (2) if one picture is inferior, the other is likely to be good and, in any event, adds to the variety; (3) a double feature gives those who attend a chance to "kill more time."

The report added that when the question was qualified by the supposition that both pictures would be good, the vote for double features became a majority by 66 per cent in favor to 34 per cent opposed, although the public seems to believe that this is an impossible supposition.

The report concluded: "From the point of view of the motion picture industry itself the single feature policy is clearly indicated. Only by making pictures of greater appeal to those people who have sufficient money and who could attend theatres more often can the revenues of the industry be materially increased; and it is precisely these people in the higher age and income levels who register the greatest opposition to double features."

The report questioned the accuracy of an estimated 85,000,000 tickets being sold weekly. It estimated that only 54,000,000 tickets were sold during the week of July 13 to 19.

Trade Belief Sees Decree As Abandoned

(*Continued from page* 1)

and would eliminate the Government's earlier demand for theatre divorcement.

On the other hand, and in addition to their objections to the decree i[illegible] Paramount officials do not believe [illegible] the Government has been definite enough on either ending of the regional litigation or on theatre divorcement for a defendant company to be certain of either. Paramount counsel, throughout the decree negotiations, have had mental reservations on the Government's intentions on divorcement and have frequently expressed the view that they "would not be surprised" to find the Department of Justice re-introducing the divorcement demand when the decree neared its final stages.

[Department of Justice officials in Washington last night said their position on divorcement remains unchanged and that the situation with respect to the pending regional suits is unaltered.]

Counsel have pointed out in this connection that the only official word the Government has given on divorcement up to this point has been that the subject would be held in abeyance while the negotiators explored the extent to which both sides could agree on other matters. This was done, they recall, to make the settlement negotiations possible, since all five theatre owning defendants took the position at the outset that if a decree was to be dependent upon divorcement they would not negotiate with the Government at all.

The position of both Paramount and 20th Century-Fox is that the escape clause should give them an unconditional release from the decree after nine months if Universal, United Artists and Columbia has not been brought within its provisions by then. They contend that they see no reason why they should bear, among other things, the added cost of arbitration which would accrue with the three smaller companies outside the decree, or risk the results that the position of those companies might have on those living under the decree.

Government sources gave no indication yesterday of what course the Department of Justice will follow now that the decree has been rejected in its present form by five of the eight defendant companies. In some quarters, however, it was believed that the Government might be willing to reopen negotiations on the objections of Paramount and 20th Century-Fox.

W. G. Scott Elected Majestic President

CHICAGO, Aug. 8.—Officers of Majestic Radio & Television Corp. were elected here today. Walter Glenn Scott is president; Allen B. DuMont, vice-president; Elmer Upton, treasurer; Curtiss Franklin, secretary, and C. V. Cook, assistant secretary. The company expects to announce its production plans next week.

"Rare, racy, original. Thoroughly entertaining!" —DELIGHT EVANS, Screenland

"Jammed with excitement, color, humor, action. A whopping good show!"—JESSE ZUNSER, Cue

"The answer to any exhibitor's prayer!" —HOLLYWOOD REPORTER

"THE GREAT McGINTY"

Paramount Picture

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 30 NEW YORK, U. S. A., MONDAY, AUGUST 12, 1940 TEN CENTS

'Boom Town' Test Runs Big At High Scale

M-G-M to Study Returns For Price Advance

"Boom Town," M-G-M's multiple starred film, did standout business in cities where it opened test runs Thursday and Friday, it is reported. Although price scales were advanced 25 per cent for matinees and one-third for night shows, smash business was reported on all openings, including both box-office figures and attendance.

All test runs, totaling 20, will have started by tomorrow. The purpose of the experiment is to determine whether the public will pay higher prices for a film which M-G-M believes is good enough and big enough to warrant increased scales. "Boom Town" has a star power which offers Clark Gable, Spencer Tracy, Claudette Colbert and Hedy Lamarr as the principals.

M-G-M distribution officials today will start a study of the box-office and attendance results of the test engagements during the first three or four days, including weekend returns, and an announcement may be made whether the company will follow its original plan of suggesting to exhibitors that they adopt advanced scales on the picture when it goes into theatres on general release Aug. 30.

Reports on various openings are as follows:

Indianapolis: Opening on Friday broke all records at Loew's Indian-

(*Continued on page 6*)

Chaplin Considers Personal Appearance

Chicago, Aug. 11.—Charles Chaplin is not averse to making a personal appearance at the world premiere of "The Great Dictator" and pending further arrangements may do so, Maurice Silverstone, United Artists chief executive, said while he was here en route back to New York from Hollywood.

Silverstone said that Harry Gold and L. J. Schlaifer, United Artists sales managers, may not go to the Coast to decide selling terms for the picture but that the decision, if made in New York, would be subject to final approval by Chaplin.

Goldwyn on CBS Duals Duel Aug. 24

Hollywood, Aug. 11.—Samuel Goldwyn has accepted an invitation from CBS to debate the double feature question on "The People's Platform" program on a nationwide hookup Aug. 24. Goldwyn will captain a team opposing duals consisting of himself, Carl Hoblitzelle of the Interstate Circuit, Dallas, and Mrs. L. B. Hedges, films chairman of the California Parent-Teachers.

The pro-duals team will include I. E. Chadwick and Trem Carr, independent producers, and Mrs. Arthur Beck, housewife, representing the public. Prof. J. P. Woellner of the University of Southern California will be chairman of the informal and unrehearsed debate. The broadcast will be heard from 7 to 7:30 P.M., New York time.

Canada War Shows Collected $716,104

Toronto, Aug. 11.—Final official returns of the Win the War Campaign sponsored in 977 theatres by the Canadian film industry show that $716,104 was raised at the special shows July 15. This amount has been turned over to the Government by the Post Office Department, which collected the money through the sale of 25-cent war savings stamps as tickets of admissions to the shows.

Not one cent was deducted for campaign expenses. The patrons retained the stamps, which will be redeemed by the Government in due course.

The average take per theatre was

(*Continued on page 6*)

U. S. GETS REVISED DRAFT WEDNESDAY

Will Have Kent's and Balaban's Suggestions On Changes Including New Escape Clause And Revamped Discrimination Section

By SAM SHAIN

The Government on Wednesday is scheduled to receive formal notification of rejection of the proposed consent decree by 20th Century-Fox and Paramount together with the alternative terms for peace of these companies. This will include Sidney R. Kent's and Barney Balaban's suggested new language for the decree, including a new escape clause.

Kent's idea of such an escape clause is already completed and will be discussed tomorrow at a meeting of the 20th Century-Fox board. After Wednesday it's up to the Government whether there will be a consent decree or not, according to spokesmen.

New language for Section 7 also has been completed and will be submitted at the same time. Principally, the change sought is that any complaining theatre under this section, which covers discrimination, must be a "better theatre" than that against which the complaint is made.

Both 20th Century-Fox and Paramount take the position that the escape clause should provide that the decree will become inoperative nine months after it goes into effect, or at any time after June 1, 1942, if Columbia, United Artists and Universal have not been brought under its provisions by then.

Thurman W. Arnold, head of the anti-trust division of the Department of Justice, was in New York on Friday on matters unrelated to the industry suit. He refused to discuss the consent decree with reporters.

"I have no comment to make while the negotiations are still pending," he said.

In the meantime, there is a feeling

(*Continued on page 6*)

MPTOA Will Act on Decree At Right Time

The M.P.T.O.A., either through a mass meeting or by formal representations later, will be heard on the proposed Federal consent decree, but any action on the subject now is regarded as "premature."

This was the substance of a statement issued by Ed Kuykendall, M.P. T.O.A. president, through his New York office on Friday in response to a request by Max Cohen, head of Allied of New York, an M.P.T.O.A. affiliate, that an exhibitor mass meeting be called to act on the proposed decree.

Kuykendall's statement follows:

"The M.P.T.O.A. executive committee is giving the tentative consent decree careful study. However, negotiations on the decree are still in progress and the present one is rather

(*Continued on page 6*)

"He Stayed for Breakfast"

[Columbia]

NEITHER the Communist Party nor Melvyn Douglas, who becomes for the nonce its cinematic prophet, may know what ails the world nor the manner of its cure but producer B. P. Schulberg has discovered in their leftist dilemmas a sure-fire panacea for the troubled box-office.

Piling laugh upon laugh, with situation and dialogue hilariously paced, Alexander Hall has directed a combination bedroom farce and political satire designed to leave the cash customers holding their sides and telling their friends. With both Douglas and beautiful but bourgeoise Loretta Young armed with racy patter by P. J. Wolfson, Michel Fessier and Ernest Vajda, who wrote the screen play from Sidney Howard's adaptation of the French play, "Liberté Provisoire," Eugene Pallette

(*Continued on page 6*)

Stander, Named in Probe, Loses Role

Hollywood, Aug. 11. — Lionel Stander, who had been set for a principal part in Republic's "Hit Parade," has been dropped from the cast. The actor's name figured in early news of the present investigation of alleged Communist infiltration among Hollywood actors, writers and directors, although State's Attorney Buron Fitts issued a public statement giving Stander a clean bill of health. The studio paid Stander in full but informed him he need not report for the picture.

Paralysis Epidemic Hits Ohio Theatres

CINCINNATI, Aug. 11.—The spread of infantile paralysis is assuming such proportions in parts of the Cincinnati trade territory that the closing of film theatres is regarded as a possibility.

At Portsmouth, O., the City Board of Health has warned that children under 16 years should be barred from theatres and other public places.

Some exhibitors in the tri-state region of Ohio, Kentucky and West Virginia are voluntarily barring children under 16 years, in order to forestall a possible order to close their houses.

British Exhibitors Await Price Change

LONDON, Aug. 11.—Decisions on increasing admission prices generally are being held in abeyance by subsequent runs over the weekend when England's three major circuits are scheduled to make known their new policies in a formal announcement to be made through the Cinematograph Exhibitors Association.

After repeated meetings the three major circuits have agreed on new admissions policies in conjunction with application of the new entertainment tax. Decisions have been made on all principal points involved, including minimum admission prices for first run houses. General policies will be determined immediately following the C.E.A. announcement of circuit policy.

Personal Mention

WILL H. HAYS is expected here from the Coast and Gallipolis, O., tonight, and is scheduled to leave for Hollywood again on Thursday to remain there another month.

•

A-MIKE VOGEL returns from a vacation today.

•

W. A. SCULLY, Universal general sales manager, will return today from a Southern business trip.

•

DAVE PALFREYMAN of the M.P.P.D.A. is in Maine for a two weeks' vacation.

•

S. BARRET MCCORMICK, RKO advertising and publicity director, arrived from the Coast by plane yesterday.

•

LEONARD GOLDENSON and SAM DEMBOW, Paramount home office theatre executives, returned yesterday from business conferences in Minneapolis.

•

HARRY F. SHAW, Loew-Poli division manager in New Haven, will be master of ceremonies at the forthcoming field day of that city's police force.

•

ARTHUR H. LOCKWOOD, president of the Connecticut M.P.T.O., is recuperating at the Beth Israel Hospital, Boston, after a kidney operation.

•

MIGUEL TORRES, Mexican producer, is in town.

MYRON SELZNICK is in town from the Coast for a short stay.

•

RENE CLAIR, French producer and director, arrives today from Europe.

•

LEO YASSENOFF will be host at a party for exhibitors Aug. 20 at Buckeye Lake, O.

•

RODNEY COLLIER, manager of the Stanley, Baltimore, and GUY L. WONDERS, Warner district manager in Washington, left for a vacation at Bedford Springs, Pa., over the weekend.

•

JOHN MCCLAIN, screen writer, is in town from the Coast.

•

ROY HANSON and DICK SPRINGER of the Jefferson, Goshen, Ind., are visiting here.

•

HARRY SILVER of the Northio Palace, Hamilton, O., is vacationing in Canada.

•

RALPH GIGLIO of the Radio City Music Hall publicity department is on a Maine vacation.

•

MARIAN SLATER, secretary to W. J. CURRY, Paramount booker in Des Moines, was married Friday to MARK JONES.

•

LADY HARDWICKE, wife of SIR CEDRIC HARDWICKE, has arrived from England.

•

CHARLES E. KENNEDY of Loew's Ohio, Columbus, and MARGARET BARRETT of that city were married Friday.

•

GENE MALONE, Warner office manager in Des Moines, is vacationing in Northern Iowa.

WHERE'S THE FIRE?
"Starts like a five-alarm fire and never slackens pace for one moment until its unexpected conclusion!"
—PARE LORENTZ, McCall's Magazine
"Hilarious!"
GOOD HOUSEKEEPING
"THE GREAT McGINTY"
Paramount Picture

W. B. Theatre Heads Meet Here Tomorrow

A meeting of Warner Theatre zone managers will be held here tomorrow at the home office, with Joseph Bernhard, general manager, presiding.

Zone managers attending will include James Coston, Chicago; Nat Wolf, Cleveland; I. J. Hoffman, New Haven; Don Jacocks, Newark; Moe Silver, Albany; Ted Schlanger, Philadelphia; Harry Kalmine, Pittsburgh; John J. Payette, Washington, and Herb Copelan, Atlantic City.

Home office executives scheduled to participate are Clayton Bond, Ed Hinchy, Leonard Schlesinger, Harry Goldberg, Frank Phelps, Nat Fellman, Abel Vigard, W. S. McDonald, Harry Rosenquest, Louis Kaufman, Herman Maier and Frank Cahill.

Sells Mono. Interest

SEATTLE, Aug. 11.—Al Goldstein, local manager for Monogram, has sold his interest in the Monogram Corp. of the Northwest to Monogram Pictures of California, of which Howard Stubbins is president, and Monogram of New York. It is expected that he will continue as local exchange head.

Acquires French Film

Robert Mintz has acquired the rights to the French film, "Le Chemineau," featuring Victor Francen.

Saving Pennies

ANAMOSA, Ia., Aug. 11.—Vic Yount, manager of the Circle Theatre here, has found a new kind of admission chiseler. A man carrying a little fellow in his arms bought a 20-cent adult ticket and entered the theatre, with the supposed child going in free. After the performance, the "child" sauntered out and lighted a cigaret. To the surprise of the manager, the "child" was a midget.

Ask Mrs. Roosevelt To Shun 'Hall' Bow

PHILADELPHIA, Aug. 11.—Mrs. Franklin D. Roosevelt, who is a member of the C.I.O. Newspaper Guild, has been asked by the A.F.L. musicians' union here not to attend the world premiere of "Pastor Hall," which is scheduled to reopen Warners' Aldine here Aug. 22.

Mrs. Roosevelt contributed the prologue to the film, which is owned in America by her son, James Roosevelt, and is being released by United Artists. Roosevelt is scheduled to make a personal appearance at the premiere of his film.

The union, through A. Rex Riccardi, executive secretary, informed the President's wife that no musicians are working in Warner houses here and that the circuit has been involved in a dispute with the union for the last nine months.

The union offered, however, to withdraw its picket lines from the theatre on the night of the opening should Mrs. Roosevelt decide to be present.

Gordon White in New Publicity Company

Gordon S. White, for many years advertising and publicity director of Educational, and later of Grand National, and Luther K. Bell and associates have formed the Bell-White Organization, to conduct a general publicity and public relations service. White will continue to handle advertising and publicity for Terry-Toons.

Conn. Allied to Meet

NEW HAVEN, Aug. 11.—Allied Theatre Owners of Connecticut will meet Tuesday at the Hofbrau Haus, with A. M. Schuman presiding.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copirighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Sea Hawk

HAS BEEN RUNNING SINCE 8 A. M. FRIDAY AT THE STRAND, N. Y. AND PROVING EVERY MINUTE THAT IT IS BEYOND ALL DOUBT 1940'S BIGGEST WARNER BROS.

Smash!

ERROL FLYNN in 'THE SEA HAWK' with BRENDA MARSHALL • CLAUDE RAINS • Donald Crisp • Flora Robson • A[illegible] MICHAEL CURTIZ
Screen Play by Howard Koch and Seton I. Miller • Music by Erich Wolfgang Korngold • A Warner Bros. [illegible]

NO EXHIBITOR CAN HONESTLY D
MEASURES THIS TICKET SELLING F

"Bound to beckon cash customers...one prolonged laugh."
—Neil Rau, Los Angeles Examiner

"Marvelous. Swell picture. I laughed my head off. My wife loved it too."
—Bernhard Thompson, Bell Syndicate

"Sure-fire comedy, top honors to co-stars."
—Ralph Jordan, International News Service

"Tops 'Ninotchka'. Kind of stuff public wants. Should prove a box-office riot."
—Virginia Write, Drama Editor, The News

"Keyed to the times. Kind of laughter Americans are still privileged to enjoy."
—Bettina Bedwell, New York News

"Columbia's enviable reputation for bell-ringing comedies furthered and substantially enhanced."
—Ivan Spear, Box Office

"Will entertain every type audience. The shot in the arm which the nation's box offices are demanding."
—Hoyt McAfee, Charlotte Observer

"Columbia has what it takes to make coins jingle at the boxoffice."
—Evans Plummer, Movie and Radio Guide

"It's what the movies need and the public wants in way of entertainment."
—Marian Rhea, Photoplay

"'He Stayed for Breakfast' emerges as one of the season's brightest comedies. Preview audience undoubtedly still chuckling."
—Warren Stokes, J. Emanuel Publications

COLUMBIA PICTURES

GREAT TITLE+
GREAT PERFORMANCE
=GREAT PICTURE

IGHT BY HIS THEATRE UNTIL HE
CE AS PROVED BY THESE RAVES!

"A rival of the recent and well remembered 'Ninotchka'. Its hilarities immense. Brought down the house."
—Edwin Schallert, Los Angeles Times

"Whole thing is a swell idea."
—Tom Petty, P M

"At solving problem of what makes the public laugh, Columbia seems to have fathomed correct answer. Studio has another gleeful hit."
—Harry Mines, The News

"...gales of laughter."
—Harrison Carrol, King Features

"Columbia discovered a recipe book for film fare."
—Ted Magee, Picture Play

"Kidding propaganda is probably more effective than serious attack."
—Ernest Foster, United Press

LORETTA YOUNG *and* MELVYN DOUGLAS

He Stayed For Breakfast

with
ALAN MARSHAL · Eugene Pallette · Una O'Connor
Based upon Sidney Howard's adaptation of the French play
"Liberte' Provisoire" by Michel Duran
Screen play by P. J. Wolfson, Michael Fessier, Ernest Vajda
Produced by B. P. SCHULBERG
Directed by **ALEXANDER HALL**

U. S. Will Get Pact Changes On Wednesday

(Continued from page 1)

among certain leading figures in the trade of the possibility that the Government will resurvey the entire industry situation and the pending anti-trust suits against the major companies because of the tremendous foreign losses and the possibility that England may bar all export of currency exchange.

These authorities state that this question has been discussed in Washington both with U. S. Attorney General Robert Jackson and Arnold, and that both have emphasized their desire not to burden the industry in the face of the foreign upheaval, if at all possible.

There is a feeling about the trade, these spokesmen aver, that if the foreign situation becomes worse than it is already, and the trust suits were to be pressed, and either the basic operations of the industry were considerably altered or some degree of dissolution were to result, that the companies would not be able to stand the strain and chaos might occur.

MPTOA Will Act At 'Right Time'

(Continued from page 1)

vague and far from complete or official and may be changed completely because of so much dissension among distributors themselves, as well as exhibitor interests. Any decision at this time on the part of exhibitors would be premature and without a basis for sound reasoning which is so essential in a matter of such importance.

"M.P.T.O.A. will be very much heard from at the proper time."

Film Machines Will Have Woes in Ohio

COLUMBUS, Aug. 11.—The path will not be smooth for the 16mm. nickel-in-the-slot film machines to be installed in Ohio. It has been established that these films will be subject to the same censor requirements as theatrical films, with an inspection fee of $3 a reel.

There is also agitation among operators' locals to demand jurisdiction of operating the machines, with a union projectionist servicing the devices. A weekly wage of $100 has been suggested.

Also, a recent Columbus ordinance makes any place of assembly subject to certain requirements heretofore applicable to theatres and auditoriums, and includes restaurants, cafes and other places where the machines are to be installed. P. J. Wood, secretary of the I.T.O. of Ohio, is credited with passage of this ordinance.

Beery in 'Get a Horse'

HOLLYWOOD, Aug. 11. — Wallace Beery's next M-G-M vehicle will be "Get a Horse," story of the early days of the automobile industry by Herman Mankiewicz and Albert Shelby Levino.

"He Stayed for Breakfast"

[Columbia]

(Continued from page 1)

and Alan Marshal, as Miss Young's husband and lover, respectively, are vulnerable and delightful foils. Una O'Connor gives a splendid supporting performance as the cook and her rendition of the scene where she turns Communist under the blandishments of Douglas and brandy is one of the funniest in a film studded with laughs.

Set in pre-war France, this is a tale of marital life as Gallic wit sees it. Miss Young, as a banker's wife living separately from him, finds in Marshal an interesting, if not all-consuming, affair. With both Pallette trying to win her back and Marshal urging her to divorce her husband, Douglas bursts into the already complicated triangle as a fugitive from the police. Having taken a pot shot at Pallette in a restaurant, Douglas decides to stay in Miss Young's home to evade the gendarmes. Indeed, he stays for breakfast and a great many meals besides, and while indulging in the festive board urges the cook to strike. It is when the Party calls upon him to betray Miss Young that Douglas discovers that the world is a war between the sexes and not the classes. With her (after a few lines of dialogue to explain that she is about to be divorced) he sets off for America to become a lobster fisherman and vote for Roosevelt.

Enough has been said to indicate that this is not a picture for children.

Running time, 85 minutes. "A."* EDWARD GREIF

"A" denotes adult classification.

Feature Review

"The Return of Frank James"

(20th Century-Fox)

ALL the elements that made "Jesse James" popular entertainment and a box-office draw are re-assembled to produce the same result in "The Return of Frank James." Henry Fonda is excellent in the title role.

In the nature of a sequel to the 1939 release, this is the action-packed, humor-laden and pathos-leavened story of the avenging of Jesse James's murder by his brother, Frank. The picture is in color, and the outdoor shots in this medium are not the least of the film's assets.

Sam Hellman's story overlooks none of the tried and tested elements of this type of entertainment. Frank James emerges from retirement to mete out his own brand of punishment to his brother's killers, who have been pardoned after conviction by a jury.

A station agent is accidentally shot and killed when Fonda and his nephew, Jackie Cooper, are surprised in the act of robbing their old family enemy—the railroad—to obtain funds with which to trail the murderers Westward. In Denver, they catch up with their quarry and eliminate one of the two. Frank relinquishes the hunt for the second murderer when he learns that his colored servant has been convicted of complicity in the shooting of the station agent, and returns to Missouri to save the victim from hanging. In a court scene packed with as much humor as drama, Frank is acquitted. John Carradine, the escaped murderer of Jesse James, and Cooper, are fatally wounded in an exchange of shots outside the courtroom, to which Carradine had made his way believing Frank would be convicted and hanged.

For romance, there is Gene Tierney who, as a reporter, meets Fonda and later covers the story of his trial. Henry Hull, as a small town newspaper publisher and Fonda's attorney at his trial, contributes a rich characterization. George Barbier is excellent as the trial judge, as are most of the others in support, among them J. Edward Bromberg, Donald Meek, Russell Hicks, Victor Kilian, and Edward McWade. Fritz Lang directed.

Running time, 92 minutes. "G."* SHERWIN A. KANE

"G" denotes general classification.

Schine Picnic Aug. 20

ROCHESTER, Aug. 11.—Second annual picnic of Schine Theatre employes will be held Aug. 20 at a lakeside resort spot. Wallace Folkins, manager of the State, is general chairman, with Bob Meagher, advertising manager, handling the publicity.

Paul Associate Producer

HOLLYWOOD, Aug. 11.—Vaughn Paul, Universal assistant director, has been promoted to associate producer, following in the steps of his father, Val Paul, former studio manager and producer at Universal, now with Edward Small.

'Boom Town' Test Runs Big At High Scale

(Continued from page 1)

apolis, with a gross of $2,850 for the day. Attendance was 8,400 persons. Prices were advanced to 35 cents matinees and 40 cents balcony and 54 cents downstairs at night.

Los Angeles: The film opened [illegible]y-and-date Thursday at Loew's State and Grauman's Chinese. Opening day's grosses were $4,390 at the State and $3,367 at the Chinese, both big.

Harrisburg: Attendance on the opening day, Thursday, at the Regent Theatre was greater than for the opening of "Test Pilot," also featuring Gable and Tracy, in 1938, although the latter picture showed at no price advance. "Boom Town" prices are 35 cents matinees and 40 and 60 cents at night. "Test Pilot" showed at 25 and 40 cents. Manager William H. Elder said the Thursday and Friday matinees were very big. The film may go a second week here.

New Orleans: Hundreds were lined up at Loew's State Friday an hour before opening time at 10:45 A. M. and a steady line remained throughout the day. Opening day crowds were said to be the largest since "San Francisco." The S. R. O. was out all day despite a price advance from 29 cents to 36 cents before 6 P. M. and from 41 cents to 52 cents nights. A late Friday night check showed the 3,700-seat house was full up to the last show, with several hundred standing.

Cincinnati: The RKO Capitol was reported to have had a "terrific" opening Friday, with the biggest attendance since "Gone With the Wind." First day's gross was estimated at $2,000. The film is expected to build for a near record week. Prices were advanced to 40 cents matinees and 60 cents nights, including taxes.

Canada War Shows Collected $716,104

(Continued from page 1)

$733, while the average sale of war savings stamps for each seat on the one night was $1.20. The total attendance was 560,898.

Theatres in Canada are expected to accept an offer by Toronto-born Mary Pickford for personal appearances of British personalities in Hollywood for the benefit of the Red Cross. This will be worked out by N. L. Nathanson, president of Famous Players, who was chairman of the Win the War Committee, and Col. John A. Cooper, president of the Ontario Red Cross and head of the Motion Picture Distributors of Canada.

Pius XII Honors Farrow

TORONTO, Aug. 11.—Lieut. John Farrow, former Hollywood director and for some months press agent for the Royal Canadian Navy, has received the Grand Cross of the Order of the Holy Sepulchre from Pope Pius XII, Grand Master of the Order. This is the second time that an honor has been conferred on Farrow by his Holiness.

Announcing the
twenty-fifth anniversary
edition of

MOTION PICTURE HERALD

The twenty-fifth year
of the
modern screen
and
MARTIN QUIGLEY
in its journalistic service

THAT YEAR OF 1915 when Martin Quigley came into the world of the screen, was like this 1940 of the twenty-fifth anniversary, a year of great problems, too, for the motion picture. It was a war year, first year of the war that now again tears at civilization—a civilization the screen has helped to make, and which it now helps to defend.

NOW, too, the motion picture must consider well its own defense in days when it is on trial, both before the public as an art and before social and political authority as an industry.

Fortuitously, the custodians, great and small, so called to accounting, may now find both occasion and voice in the medium, accepted and authoritative, built through the years of approved service and as part of the industry.

This year of 1940 is a time of taking inventory and gathering new courage for the years to come. It is to be given significant expression, with reaffirmations of faith, in the twenty-fifth anniversary edition of Martin Quigley's Motion Picture Herald, under date of Sept. 14, 1940

1915 1940

No other institution of the motion picture has survived so long, or so continuously grown, under a single administration and with a single basic policy—service.

Hastings Denies RCA Case Charge

WASHINGTON, Aug. 11.—Former U. S. Senator Daniel O. Hastings of Delaware, before the Senate Interstate Commerce Committee adjourned hearings late Friday, took the stand o deny that he paid anything to the court clerk for a postponement of the Government's anti-trust suit against RCA in 1932. He asserted that the presiding judge and not the clerk con[illegible]d adjournments.

Sen. Charles W. Tobey, who is conducting the examination, put into the record copies of 1938 newspapers carrying stories of the charges against RCA. "This is a matter of which Thad H. Brown (F.C.C. member whose renomination is being considered by the committee) testified he knew nothing about and never considered," Sen. Tobey declared, adding that the F.C.C. nominee showed "abysmal ignorance" about the matter.

The committee will continue hearings Tuesday.

Ban on Street Signs Urged in Pittsburgh

PITTSBURGH, Aug. 11.—Theatres here face the possibility of discarding marquee, street display and billboard ballyhoo, if proposals urged on city and state officials by civic organizations are accepted.

One of the proposals, which would materially alter promotion methods, is the request of the Chamber of Commerce that the City Council ban overhanging signs and other displays extending into or over the streets in the Golden Triangle, downtown business section. Anticipating a storm of protest, the council has tabled the measure with the comment that "signs bring $30,000 a year into the city treasury."

Poster panels are already outlawed on the new Pittsburgh-to-Harrisburg "Dream Highway," to be opened in September. This affect the downtown theatres, most of which use billboards.

'Kit Carson' Opening In Denver Aug. 26

"Kit Carson," latest Edward Small production for United Artists, will have its world premiere at the Denver and Paramount, Denver, on Aug. 26.

The premiere is being sponsored by the Rocky Mountain Screen Club, Colorado newspapers and business and civic organizations. Many of those identified with the production will attend.

W. B. to Employ Ross Federal Checkers

Warners has signed a contract with Ross Federal Service under which that firm resumes the Warner checking work after a six-year period during which Warners maintained its own checking organization. Warners' return to the Ross service leaves only M-G-M maintaining an individual checking organization.

20th-Fox Buys Story

"A Latin from Manhattan," a story by Mark Canfield, has been purchased by 20th Century-Fox for a musical.

Off the Antenna

WITH the increase in power to 50 kilowatts for nine international short wave stations by the F.C.C. recently, greater concentration on these broadcasts, particularly from the commercial angle, can be expected shortly, according to the opinion held in many quarters. Although NBC has been the only network thus far to establish regular sponsored periods, authorities anticipate that the growth will be steady now that a substantial start has been made.

CBS, over the weekend, announced a series of 22 broadcasts to be made over its two international short wave transmitters designed to build goodwill and audiences in Latin America. Called "The Americas Today," each program in the series will be devoted to a separate republic on this hemisphere. They will originate from the Inter-America House at the New York World's Fair.

Meanwhile, plans to establish a 50-kilowatt short wave station in Canada have struck a snag. Sen. C. P. Beaubien, chairman of the War Cooperation Committee of the Canadian Senate, has tabled a motion for such a station. It was planned that the Canadian Government through the Canadian Broadcasting Corp. undertake the immediate construction of such station to counteract European propaganda and for Dominion advertising, especially to Latin America. The cost of such station has been estimated at between $350,000 and $400,000.

• • •

Purely Personal: *Jerry Danzig, WOR director of publicity, left over the weekend by plane for a three-week vacation on the Coast. . . . Dave Lowe, WNEW screen commentator, will interview Arline Judge tomorrow. . . . Dick Marvin, agency executive, will fly to Nashville for the opening of "Comin' Round the Mountain." . . . Charles Holland, Negro tenor, has been signed by M-G-M, the NBC Artists Service announced. . . . Ted Lewis, Sabu and Nan Wynn will be featured in "In Chicago Tonight" over Mutual Thursday at 8:30 P.M. . . . Gretchen Davidson has been added to the cast of "Crime Doctor" over CBS.*

• • •

Around the Country: Bob Shields, KDKA, Pittsburgh, announcer, has been married to Elaine Kinder, one of the KDKA Kinder trio. . . . Janet Ross of KDKA spent three days in Chicago gathering news for a fashion broadcast. . . . Henry Hickman, chief announcer of WFBR, Baltimore, was married Saturday to Doris Busick. . . . Cliff Johnson, KOIL, Omaha, program director, has become the father of a girl.

Four Companies Are Incorporated

ALBANY, Aug. 11.—Four film companies have been incorporated here, as follows:

Pallas Films, Inc., by M. M. Kettl, R. E. Cohen and Lillian Ginsberg, 1450 Broadway, New York. Papers, filed by Schwartz and Frohlich, authorized 100 shares of capital stock.

Patria Pictures Corp., by A. Joseph Handel, Hyman J. Fliegel and Sylvia Sheinberg, 36 West 44th Street, motion picture business, with 100 shares of stock. Filing attorney was B. Robbins, 25 Warren Street, New York City.

Bernie Foyer Corp., 100 shares of stock, by Bernie Foyer, Jack Nonnenbacker and Minnie Brandenburg, 1540 Broadway, New York. Papers were filed by Attorneys Goldie and Gumm, same address.

Finart Theatre Corp. of New York City, general theatre business, by Maxwell S. Boas, Frieda Dorn and Jeanne Greengold, 270 Madison Ave. Filing attorneys, Schiff, Dorfman and Stein, same address.

BMI Sets Royalties To Start on Jan. 1

Broadcast Music, Inc., has announced that composers would be paid one cent per performance on the air per station under a plan which will go into effect Jan. 1. The statement claims that composers will earn royalties immediately for a hit song as contrasted with Ascap where several years must expire before any payments can be received by a new songwriter.

Scranton C.I.O. Stops Unionizing Operators

SCRANTON, Pa., Aug. 11.—C.I.O. leaders in this area have announced that they are no longer interested in organizing motion picture operators and are withdrawing from the field. This leaves the field clear for the I.A.T.S.E., affiliate of the A.F.L.

Shortly after the C.I.O. announcement, the State Labor Relations Board in Harrisburg dismissed a petition of R. A. Lesaius, operator of the Bull's Head Theatre, in which he asked for an election to determine the collective bargaining agency. The board found that Lesaius employs only his wife and two sons and had signed a contract with United Theatrical Workers, Local 997, a C.I.O. affiliate. A.F.L. operators have been picketing the theatre more than a year.

Majestic to Start Production Soon

CHICAGO, Aug. 11.—Majestic Radio & Television Corp., just reorganized, will start production of various types of sets in two weeks, W. G. Scott, president, said yesterday. Television coils will be made for DuMont Laboratories, television company affiliated with Paramount. Allen B. DuMont, an officer of the company, will supervise Majestic's television-radio set production.

Opening Delayed

Construction difficulties have delayed the opening of the Airlines News Theatre, 42nd St. and Park Ave., originally scheduled for opening this month. The house will be ready in September, according to the management.

Atlas Purchase of 28,800 RKO Shares Revealed by S.E.C.

WASHINGTON, Aug. 11.—Acquisition in June of 28,800 shares of RKO common stock and 300 shares of preferred stock by the Atlas Corp., has been reported by the Securities and Exchange Commission in its semimonthly summary.

At the close of the month, the commission reported, Atlas held 564,189 shares of common direct and 268,230 shares through the American Company, together with 327,812 warrants for common and 29,881 shares of preferred stock.

The report showed the disposition of 1,000 shares of RKO common stock by L. Lawrence Green, New York director, reducing his holdings to 4,250 shares.

Rubin Reduces Holdings

The next largest transaction reported was the disposition of 2,000 shares of Loew's, Inc., common stock by J. Robert Rubin, vice-president, reducing his holdings to 25,615 shares.

Loew's, Inc., increased its holdings of Loew's Boston Theatres common stock by 30 shares during the month, giving it a total of 117,436 shares.

Acquisition of 100 shares of General Theatres Equipment capital stock, bringing his holdings to 200 shares, was reported by Edward C. Delafield, New York director, and in a series of delayed reports Walter E. Green, New York officer, reported the acquisition of 20 shares in December, 1939, 10 shares in March, 1940, 20 shares in April and 210 shares in May, giving him a total of 260 shares.

The S.E.C. report also showed the disposition of 100 shares of Pathe Film common stock by Kenneth M. Young, New York officer, reducing his holdings to 400 shares, and acquisition of 25 shares of 20th Century-Fox common stock by Sidney R. Kent, New York officer, increasing his interest to 3,180 shares.

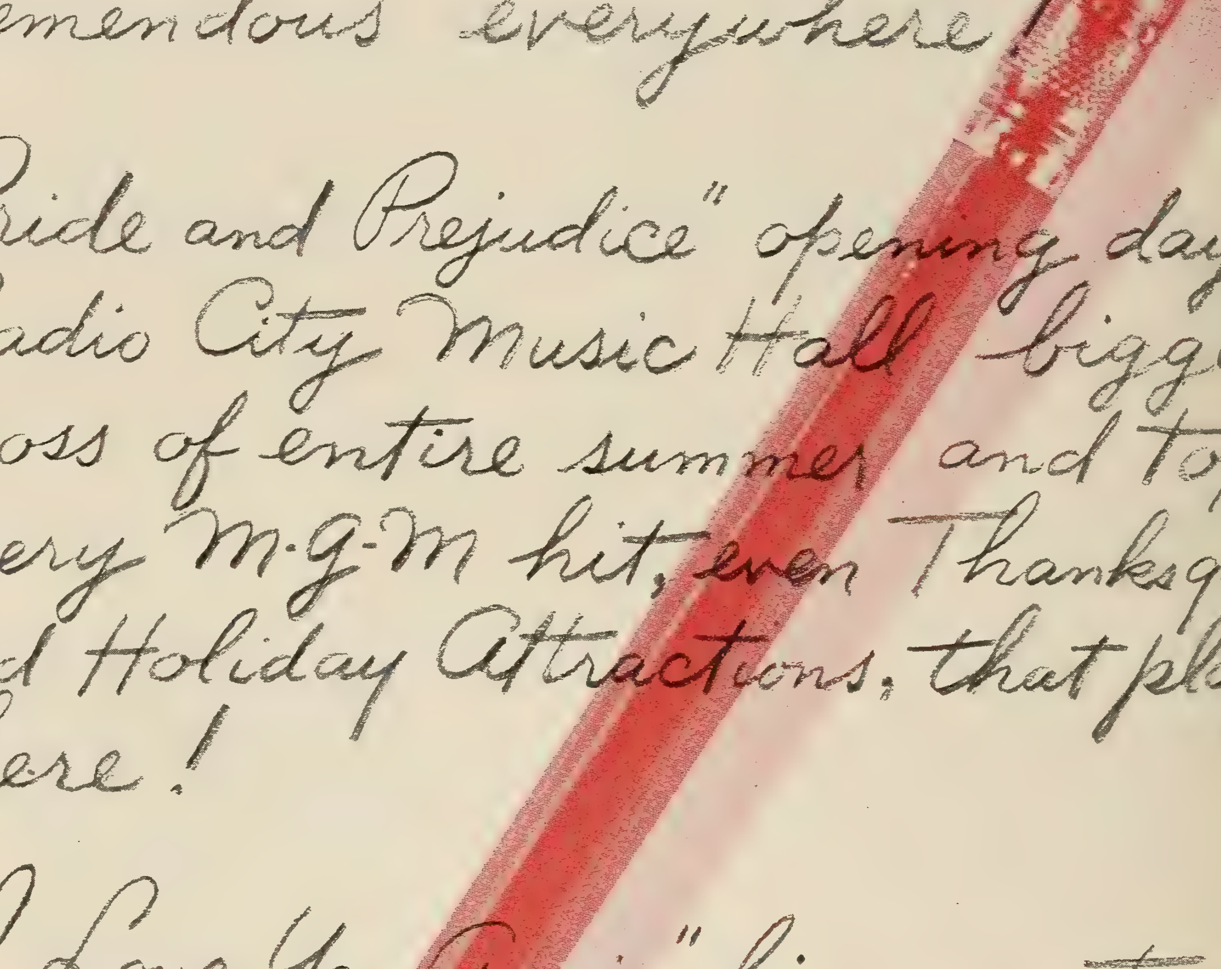
Report on RKO

In a report showing the holdings of officers, directors and principal stockholders when its registration became effective June 14, last, RKO reported that R. C. Patterson, Jr., New York director, held 589 shares of common stock, RCA held 316,328 shares of common, 555,254 warrants for common and 44,757 shares of preferred stock, and Rockefeller Center held 563,629 shares of common stock, while Ned E. Depinet, William Mallard, W. J. Merrill and George J. Schaefer, officers, and James G. Harbord, John E. Parsons, N. Peter Rathvon, W. G. Van Schmus and Lunsford P. Yandell, directors, held no equity securities.

A report from Monogram Pictures showed that T. C. Davis, Port Washington, N. Y., held no securities when he became a director April 2, last.

Form Puerto Rico Firm

DOVER, Del., Aug. 11.—Columbia Pictures of Puerto Rico was formed here to deal in motion pictures with a capital of $2,000 par $10. The incorporators are Max Seligman, New York City; Richard Philpott, Long Island, and Maurice Burnett, Ridgefield, N. J.



"Boom Town" is off to a terrific start. Advanced Price engagements tremendous everywhere!

"Pride and Prejudice" opening day at Radio City Music Hall biggest gross of entire summer and tops every M-G-M hit, even Thanksgiving and Holiday Attractions, that played there!

"I Love You Again" biz sensational! It's the funniest William Powell Myrna Loy comedy ever made!

"Andy Hardy meets Debutante" and "New Moon" packing 'em in!

It's a typical M-G-M Summer!

DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

V 48. NO. 31 NEW YORK, U. S. A., TUESDAY, AUGUST 13, 1940 TEN CENTS

Studios Will Broadcast to South America

Goodwill Programs to Counteract Propaganda

Hollywood, Aug. 12.—M-G-M, Warners, Paramount, RKO and Universal beginning next month will participate in twice-weekly broadcasts to Latin America through NBC's short wave stations "in the double interest of strengthening our economic frontier in Latin America and bolsternig national defense," it was revealed here today.

The programs will consist of Hollywood entertainment in which studio talent will take part and will be available for sponsorship. The shows will be produced here and recordings shipped East for broadcasting over WRCA and WNBI. It was said they will "meet and top any short wave propagandist programs originating in Nazi and fascist countries which seek to win Latin American markets."

Two half-hour programs in Spanish and two in Portugese each week are planned. Discussing the project, Lunsford P. Yandell, NBC executive in charge of commercial short wave programs, said: "It is not at all beyond reason to look upon short wave broadcasting as our first line of defense against penetration of unsound foreign economic and political systems in Latin America."

B'way Grosses Rebound Strongly

Broadway box-offices rebounded to high levels over the weekend with three new films establishing themselves as top notch draws. "Pride and Prejudice" with a stage show at the Music Hall grossed an estimated $63,000 for its first four days. At the Strand, "The Sea Hawk" with Phil Spitalny's orchestra, drew an estimated $29,000 for three days while at

(*Continued on page 4*)

Skouras to Tour Circuit Divisions

Spyros Skouras, head of National Theatres, will leave next weekend for a tour of division offices, during which he will attend managers' meetings and present prizes in the Skouras Showmanship campaign, which was concluded in July. Skouras will visit Milwaukee, Kansas City, Denver, Seattle and Los Angeles, and will spend some time on the Coast.

U. S. May Yield to Kent And Balaban on Decree

Government Reported Ready to Risk Chance With Independent Exhibitors to Save Peace Pact with the 'Big 5'

Reports reaching New York last night from Washington are that the Government is hesitating about risking a total collapse of its peace negotiations with the "Big 5" and rather than have the settlement proposals blow up completely, is ready to consider a compromise with 20th Century-Fox and Paramount, and "take its chances" with the independent exhibitors.

At the same time, these reports indicate, work has been begun by officials in contacting the hold-out companies such as Universal, Columbia and United Artists to sound their positions in the event the Government accepts the ultimatum from 20th Century-Fox and Paramount, which spokesmen assert, the Government is likely to do.

Spokesmen unofficially assert that acceptance of the alternative peace proposals which will be submitted on behalf of 20th Century-Fox and Paramount through Sidney R. Kent and Barney Balaban, will not alter the adamant stand against a consent decree by the three hold-out companies.

Still another problem to be considered in the alternative situation, according to spokesmen, is the probable position of Republic and Monogram, whose inclusion under the pact at the end of nine months following the effective date of the decree is to be insisted upon by 20th Century-Fox and

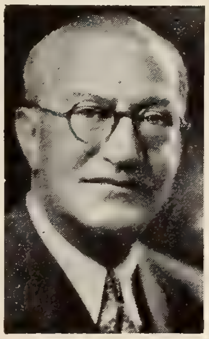
(*Continued on page 4*)

Allied Chiefs Meet Today on Decree

Washington, Aug. 12.—Members of the Allied States executive committee will gather here tomorrow for a discussion of developments in the New York anti-trust suit and other matters of current interest.

During the course of the meeting the Allied executives are expected to review the negotiations for a consent decree and may map out the attitude to be taken by Allied with respect to an agreement on the terms now proposed.

Loew's to Hold Jobs for Men Called to Arms



Nicholas Schenck

Employes of Loew's, Inc., who leave their jobs to enter the military service of the United States will be welcomed back to the company when their military service ends, Nicholas M. Schenck, president, has declared in a letter to an employe.

H. Russell Gaus, salesman in Oklahoma City, who holds a commission in the Officers Reserve Corps, had written to Thomas J. Connors, Eastern sales manager, relative to his status if he should be called

(*Continued on page 4*)

U. A. Will Go to Law On Triples: Silverstone

By SHERWIN A. KANE

Maurice Silverstone

United Artists will use every "legal means" to prevent its pictures from being used on triple feature programs, although company officials see no practical means of curbing duals at this time, Maurice Silverstone, chief executive of the company, said yesterday following his return to New York from two weeks of conferences with the company's producers in Hollywood.

Silverstone described the practice of triple featuring as "too unwise" for these times—for the distributor who he believes will have fewer pictures for release this season than ever before, and for the exhibitor who he believes may have a product shortage confronting him unless "wasteful" exhibition policies are corrected. He expressed the belief, however, that duals cannot be curbed now; that there is too much support for them by the public, as evidenced by the Gallup Poll which, Silverstone said, revealed too close a balance between those favoring and those opposed to duals.

Silverstone indicated that steps may be taken to prevent the showing of Charles Chaplin's "The Great Dictator" on dual bills. Sales policy for the Chaplin picture will be determined within the next week or

(*Continued on page 4*)

Kuykendall Scores 5-Unit Sales Plan

The block-of-five selling and trade showing provisions of the proposed consent decree are scored as impractical for exhibitors and likely to establish a "seller's market" in a bulletin sent to exhibitors yesterday by Ed Kuykendall, M.P.T.O.A. president.

The proposal is termed "compulsory block booking with a vengeance, but in smaller blocks."

The bulletin also terms it "unfortunate" that the decree is being negotiated by lawyers in "secret conferences" with no consideration given to exhibitors' views.

The trade showing provision of the decree, the bulletin asserts, appears to

(*Continued on page 4*)

English Circuits See 9-Pence Admission Base Impracticable

London, Aug. 12.—Although the circuits have deferred their final decisions on admission increases, due to the Government tax, it is understood authoritatively that they have agreed that a nine-penny minimum is impracticable on a nationwide basis, with local conditions providing the final determination.

It has been agreed that where Odeon, Gaumont British and associated circuits are represented, the major circuits will ignore local competition and institute the nine-penny minimum for first run houses, with one shilling, two-pence and one shilling, nine-pence as the next prices. Since the independents also have not agreed on a nine-penny minimum, it is believed that an eight-penny minimum will obtain in many sections.

It is felt also that in view of the industrial conditions is some areas, exhibitors will agree to a six-pence minimum, since seven-pence is considered uneconomic.

Kansas City Single Bill Trial Success

Kansas City, Aug. 12.—The experiment with single bills on the Sunday change which Kansas City, Kan., theatres have just concluded was sufficiently satisfactory to cause several of them to continue the policy with strong features, according to Jack Truitt, manager of the Electric and president of the Theatre Owners Association.

Though the Electric and Granada, first runs, were not included in the test, Truitt is continuing the Electric policy of occasionally singling strong features.

This policy he has followed for over two years, and he expressed the belief that "no double has meant enough difference to offset the extra film rental in that period." Doubling is a matter of meeting competition, he said.

When the theatre does have a single, the calls that come in asking about time, etc., reflect strong approval of a single bill, Truitt said.

Warner Yacht Blast Victims Recovering

Nine persons who were injured in the explosion of Major Albert Warner's yacht, *Restless*, off Cold Spring Harbor in Long Island Sound on Sunday were yesterday recovering from shock and burns.

All nine, including Mrs. Bessie Warner, wife of the Warner vice-president, were rescued and treated at North County Community Hospital in Glen Cove and at the dock. The speed of the arrival of a rescue boat from the nearby William B. Leeds estate, and the efforts of Major Warner, who was in a small boat ready to cast off, were said to have prevented more serious consequences.

Korda Writes Original

Hollywood, Aug. 12.—Alexander Korda has written a screen-play for his wife, Merle Oberon, who will star in the film, to be titled "I Have Been Here Before."

Personal Mention

HERMAN WOBBER, general manager of distribution for 20th Century-Fox, has returned from the Coast.

•

Walter Wanger and Joan Bennett returned to New York yesterday from a weekend at Saratoga.

•

Al Margolies, United Artists publicity manager, will return today from Fire Island.

•

Leon Netter of the Paramount home office theatre department returned yesterday from a Southern business trip.

•

S. A. Lynch of Miami is in New York for Paramount home office conferences.

•

Larry Goodkind, Eastern story editor for Universal, is at the studio for a week.

•

Ben Reingold, St. Louis branch manager for 20th Century-Fox, has returned from New York.

•

Robert Ryder of the advertising staff of Fanchon & Marco, St. Louis, last week was married to Margaret Bishop.

•

Joseph J. Rosenfield, city manager of Evergreen Theatres, Spokane, has resigned to take a new position in Los Angeles.

•

Jack Simon, manager of the Poli, Hartford, will go to his home in Pittsburgh for a vacation this week.

•

Larry Graver, Warner Theatres district manager in Philadelphia, is confined to Lankenau Hospital with a kidney ailment.

•

Martin Beck, George Jessel, Stanton Griffis, Barney Balaban, Herman Wobber, Charles E. McCarthy, Mort Spring, Jimmy Savo, Taylor Holmes, Dennis King, Otto Preminger, Bernard Sobel, Ben Washer, Sam Shain, Marian Baldwin, Phyllis Dobson, Natalie Schaefer, Ben Boyar and Sidney Phillips at Sardi's for lunch yesterday.

ROBERT J. O'DONNELL, executive of Interstate Circuit, Dallas, is in town.

•

Jack LeVein, RKO Pathe contact man, is on active duty for a month as press liaison officer at the U. S. Army maneuvers at Ogdensburg, N. Y.

•

Irving Berlin, J. J. Milstein, Harry Brandt, Harry Bernstein, Dave Rubinoff and Lester Santley at Lindy's (next the Rivoli) for lunch yesterday.

•

Walter Futter, Sam Citron, Arthur Lee, William Fitelson, Jeffrey Bernerd, Benn Jacobson, Rudy Weiss, Charles Paine, Douglas Rothacker at the Tavern for lunch yesterday.

•

Nate Spingold, Abe Schneider, Rube Jackter, Maurice Silverstone, Emanuel Silverstone, Harry Gold at Lindy's (51st St.) for lunch yesterday.

•

Wallace Bennin, M-G-M salesman in Chicago, is the father of a son, born to Mrs. Bennin last week.

•

Frank Bickerstaff, manager of the Georgia Theatre, Athens, Ga., and Mrs. Bickerstaff were N. Y. visitors late last week.

•

Mrs. Peter DeFazio, wife of the New Haven Warner salesman, is recuperating in New Haven Hospital from an operation.

•

A. G. Struck, exhibitor of Mason City, Ill., is the father of a girl, born last week to Mrs. Struck.

•

A. Glenn Rogers, manager of the Regent, Geneva, N. Y., has resigned to enter the insurance business.

•

E. C. Grainger, Ralph Austrian, John W. Hicks, Jr., William F. Rodgers, Edward Saunders, Russell Holman, Max Dreyfuss, Louis Dreyfuss, William Orr, Harry Buxbaum, Morris Kinzler and Ted O'Shea at Nick's Hunting Room at the Astor for lunch yesterday.

Late News Flashes from the Coast

HOLLYWOOD, Aug. 12.—Unique in a field where 10 per cent talent representation deals are typical, a suit is on file in Superior Court at Los Angeles in which Francis D. Adams, an attorney, seeks enforcement of a contract allegedly entered into by Tyrone Power in February, 1939, whereby the actor would pay him 25 per cent of his income for the next seven years. The complaint says Power paid Adams about $30,000 under the agreement but repudiated it last month, when payments stopped. The suit sets forth that Power's earnings would amount to $1,000,000 at the present rate.

• •

W. Ray Johnston, president of Monogram, will leave Wednesday by plane for New York to attend the company's quarterly board meeting Friday. Scott R. Dunlap, vice-president and production head, and Trem Carr will leave tomorrow for the meeting.

• •

The NBC Blue network on Friday will carry a half-hour show with Bing Crosby, Mary Martin and Lillian Cornell singing the score from Paramount's "Rhythm on the River" from Del Mar Turf Club, where the studio will bring 300 newspapermen for a preview of the film. William LeBaron and Pat O'Brien will also participate, with Ken Carpenter as master of ceremonies.

• •

Al Daff, Universal general manager in Far East, arrived today from Bombay for conferences with Nate Blumberg, Universal president.

Cuba Rejects U.S. Film Law Protest

The protest of American distributors against enforcement of the Cuban anti-block booking and blind selling law was rejected by the Government at Havana over the weekend, according to news dispatches, which added, however, that the way had been left open for further consideration of the American companies' objections.

A committee was designated [illegible]he Government to confer with distributors on their objections and to report back later to the proper Governmental department.

Home office foreign departments said they had received no notification that their protests had been rejected but, nevertheless, assumed the news dispatches to be authentic. It was stated that one of the reasons why notification might not have been made to New York was that Arthur Pratchett, Latin-American manager for Paramount, who made the formal protest to the Cuban Government on behalf of the industry, is now aboard ship returning from Chile, and other industry representatives in Cuba may not have been notified of the action in his absence.

McCormick Returns From Studio Parleys

Campaigns on the first of RKO's new season product were mapped by S. Barret McCormick, advertising and publicity director, during a three weeks stay at the studio. McCormick arrived in New York from the Coast by plane yesterday.

"Lucky Partners," Ronald Colman-Ginger Rogers vehicle, leads the new release list with a Labor Day weekend date at Radio City Music Hall. It will be followed by "They Knew What They Wanted," with Carole Lombard and Charles Laughton, and two musicals, "Too Many Girls" and "Dance, Girl, Dance," all of which are completed.

Funeral Held for Amelia Rubens, 97

Chicago, Aug. 12.—The funeral of Mrs. Amelia Rubens, 97, mother of Jay J., Maurice M., and Claude B. of the B. & K. Great States Circuit, was held here today. Virtually all film exchange officials here and the entire executive staff of B. & K. attended the services.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

LOS ANGELES is a "BOOM TOWN"

252% of normal business, two theatres, day and date

INDIANAPOLIS is a "BOOM TOWN"

345% of normal business

NEW ORLEANS is a "BOOM TOWN"

310% of normal business

HARRISBURG is a "BOOM TOWN"

258% of normal business

READING is a "BOOM TOWN"

232% of normal business

TULSA is a "BOOM TOWN"

239% of normal business

ATLANTIC CITY is a "BOOM TOWN"

431% of normal business

CINCINNATI is a "BOOM TOWN"

453% of normal business

"BOOM TOWN" AT ADVANCED PRICES IS SENSATIONAL!

(As usual when the industry moves forward M-G-M leads the parade)

Loew's to Hold Jobs for Men Called to Arms

(*Continued from page* 1)

for a 12-month training period.

"Naturally, we are going to give our utmost cooperation to both our employes and our country," Schenck wrote. "What to do about the hundreds, perhaps thousands, of our employes who may be called into the various services of our country, has been given much thought here; it presents a problem both for the individuals and for the company. . . .

"Should you be called for service, as you feel you will be, you may take this as your assurance that you will be welcomed back to our organization when you have completed your military services."

Spokesmen for all other major companies expressed the conviction yesterday that positions would be held open for employes who may be drafted for one year of military training under the selective service bill now before Congress.

In most instances, it was stated that the subject has not come up for discussion yet but there was no reason to believe that when it does any action other than the anticipated one will be taken. Some company spokesmen expressed the belief that the law, in any event, will carry some such safeguard for drafted employes.

Maurice Silverstone, United Artists chief executive, said: "It is the only decent thing to do. We held jobs open for our employes in France who went into service and we are doing the same for our employes in England. We certainly would do no less for our own."

Wanger to Start Tour This Week

Walter Wanger will open his national "personal appearance" tour this week on the radio. He is on the "We, the People" program tonight; the "Ellery Queen" program, Aug. 18, and the "Information Please" program Aug. 20.

Wanger will be in New York until Sept. 2, when he will begin his national speaking tour, covering the East first, then the Midwest and winding up on the Coast. His new production, "Foreign Correspondent," will be previewed at the Rivoli, Aug. 27, and will begin an indefinite run there the following day.

Broadway Grosses Rebound Strongly

(*Continued from page* 1)

the Roxy, "The Return of Frank James" with a stage show was good for an estimated $20,000. All will be held indefinitely.

"Boys from Syracuse" with Xavier Cugat's band drew an estimated $15,000 over the weekend and should finish its second week at the Paramount tonight with an estimated $35,000. "The Great McGinty" opens there tomorrow. "Prison Camp" drew an estimated $4,700 at the Rialto and was followed by "South to Karanga."

Kuykendall Scores 5-Unit Sales in Proposed Decree

(*Continued from page* 1)

have been designed not to aid exhibitors but to "appease organizations outside the business who have been yelling for years for legislation to abolish blind selling."

Despite the fact that Kuykendall only last weekend termed exhibitor criticism now of the tentative consent decree "premature," in replying to a request of Max A. Cohen of New York for an exhibitor mass meeting on the subject, the M.P.T.O.A. bulletin hits forcefully at the decree proposals.

He pointed out in the bulletin that any distribution company which could complete 10 or 15 pictures in order to offer them for sale at the same time, could do so by offering them in separate blocks of five. The M.P.T.O.A. bulletin reminds exhibitors that no cancellation right would accompany their deals, whether for single blocks of five or more.

"A company selling 50 pictures a year," the bulletin says, "obviously will have 10 times the selling expense and effort, and you will just about have to live with the film salesmen to keep enough product under contract to run your theatres. How much will that increase your film costs?" it asks.

"The distributor can and probably will offer you these blocks of five on a take it or leave it basis. If you don't want one or two of the pictures, you won't be able to cancel them. If two or three blocks of five each are offered, the distributor can always reject the contract for any particular block, or withhold approval while he tries to sell you the other blocks.

"In effect, the smaller independent theatre that uses five features a week will be forced to make a film deal at least once every week the year around, negotiate prices and terms on a block of five pictures, sign a contract, have it sent in to New York for approval, perhaps have it rejected, negotiate a new contract at higher prices, have it sent in again to New York, receive the approved contract, and only then be able to book the first picture. Can you imagine what will happen . . . if the distributor knows you desperately need his five pictures to keep running? Do you think you will be able to buy better pictures for less money under this system? Why shouldn't the big distributors go for this scheme?"

"It is unofficially announced," the bulletin says, "that public hearings may be held on the final proposals, but where or when is not stated. . . . A lot of the more important exhibitor problems and grievances will not be solved or even mentioned in the consent decree and we suspect that it will contain a number of unimportant provisions and several vague and ineffective clauses on problems that are difficult if not impossible of solution."

Petrillo to Probe Dispute at Theatre

CHICAGO, Aug. 12.—Nat Bernstein of the State, Elkhart, Ind., has asked the Chicago I.A.T.S.E. representative to have his union arbitrate a dispute between Bernstein and musicians' Local 192 over the use of a music machine. J. C. Petrillo, A.F.M. president, has indicated that he will conduct an investigation to determine what action his union might take to prevent this practice from spreading to other theatres.

U. S. May Yield to Kent and Balaban

(*Continued from page* 1)

Paramount to make the pact binding upon them, after that date.

The official rejection of the pact and the alternative terms of peace which Sidney R. Kent and Barney Balaban are insisting upon have not yet been presented officially to the Government. This is expected to be done on Wednesday, following a 20th Century-Fox board meeting today and a final clearance from Balaban on their respectively proposed language changes in the proposed pact.

New F. & M. Policies in St. Louis

ST. LOUIS, Aug. 12.—Harry C. Arthur, vice-president and general manager of Fanchon & Marco, has announced that the experiment trial at the Missouri Theatre two weeks ago of absorbing all taxes and increasing admission prices slightly had been a success. He indicated the policy would be adopted for all F. & M. first-run houses here by Sept. 1.

The scale during Sammy Kaye's personal appearance was 30, 40 and 50 cents. The Missouri has since returned to its former prices of 28 cents and five mills; 39 cents and seven mills; 44 cents and eight mills and 56 cents.

The object of the experiment was to determine whether the new scale facilitated the handling of receipts at the box-office. Arthur said both the cashiers and the customers were "delighted' with the change.

The 50-cent top will be standard for evening shows, including Saturdays and Sundays. The week night top previously had been 44 cents.

ST. LOUIS, Aug. 12.—A new policy for the Ambassador Theater whereby it will show only single features, taking its pick of features and shorts available to Fanchon & Marco, has been decided upon by Harry C. Arthur, vice-president and general manager of F. & M. operators of the 3,018-seat downtown house. The plan is experimental, says Arthur.

The plan will be inaugurated Aug. 23 with "The Sea Hawk." Additional policies are modeled after those under which "Gone With the Wind" was shown in the large cities. Seats will be reserved for a single evening performance starting at 8:30 P. M. The theatre will open at 11 A.M. and the single feature will be exhibited three times before 8:30 P.M. on an unreserved seat basis.

U. A. to Aim Law on Triples: Silverstone

(*Continued from page* 1)

two after final conferences with Chaplin on the Coast.

Silverstone, Harry Gold and J. T. Schlaifer, general sales managers; Lynn Farnol, advertising and publicity director; Arthur Kelly, foreign manager, and Monroe Greenthal, exploitation manager, will go to the Coast for these conferences.

As reported by MOTION PICTURE DAILY last week, Silverstone said the exhibition policy under consideration calls for openings in two theatres in a selected list of cities; one theatre on roadshow policy and the second on continuous policy at advanced admissions. Chaplin may come to New York for the premiere here, he said.

Silverstone said Chaplin's final cost on the picture will be $2,200,000. "All of it is Chaplin's own money; not a nickel was borrowed," he said. The picture runs slightly more than two hours and will be released about the middle of September. In Silverstone's opinion it equals in importance anything ever released in the business.

The United Artists' chief hinted at advanced admission policies for both Walter Wanger's "Foreign Correspondent," which he said cost $1,500,000, and Alexander Korda's "Thief of Bagdad," which he said will come in at around $1,700,000. The policy on these, however, has not been finally determined yet.

Silverstone said he had conducted negotiations with two "well known" producers while on the Coast and hoped to add them to the United Artists roster during the new season.

New Firm Will Film Louis' Next Fight

The first fight picture to be undertaken by Sports Features Distribution, Inc., will be the next Joe Louis match in defense of the heavyweight crown, Stanton Griffis, a director of the new fight film company, and chairman of the Paramount executive committee, said yesterday.

Although no new match for Louis has been set yet there is a possibility of one being staged during September.

Griffis said no distribution arrangement has been made for the fight films yet and that distribution deals would not be discussed "until we have a picture." It has been reported that Paramount and RKO may alternate in the distribution of the Madison Square Garden fight pictures.

Griffis stated that television rights to the pictures, likewise, had not been set. It is assumed, however, that DuMont Laboratories, half-owned by Paramount, will have the inside track for the television rights to these films.

English Union Backs Empire Films Clause

LONDON, Aug. 12.—The National Association of Theatrical and Kine Employes union, following conversations with the Board of Trade, have expressed themselves as satisfied with the clause in the new film regulations which permits films made elsewhere in the British Empire to be counted for the British quota.

119 Microphones to Stop Drive-In Noise

Columbus, Aug. 12.—Upon being informed by attorneys of Riverside Auto Theatre that the management would install 119 microphones in the theatre lot to eliminate noise now emanating from loudspeakers, Common Pleas Judge Charles A. Leach continued the case pending the promised installation. Suit recently was filed by neighbors seeking to enjoin the theatre from further operation, because the noise disturbed their sleep between 8 P. M. and midnight.

Kansas City Club Outing August 26

KANSAS CITY, Aug. 12.—All of the film industry and many of the public are expected to attend Variety Club's big outing at Ivanhoe here Aug. 26, which will include a turtle race, golf tournament, picnic, and "days of '49" celebration.

The general committee in charge is made up of Charles Gregory, chairman; O. K. Mason, C. H. Shafer, Arthur Cole, Earl Jamison, Beverly Miller, Jerry Zigmond, Sam Abend and F. C. Hensler. Other committees and their chairmen are: days of '49, Beverly Miller; sweepstakes, Homer Blackwell; golf, Robert Withers; entertainment, Jerry Zigmond; turtle race, R. R. Biechele; picnic, Sam Abend, and attendance and publicity, Elmer C. Rhoden.

RKO Buys 2 New Stories; Metro Starting 4 Big Films

HOLLYWOOD, Aug. 12.—RKO has purchased two stories, one a comedy and the other a western. The first is "The Father Takes a Wife," by DOROTHY and HERBERT FIELDS, for which the latter will do the screenplay. ARTHUR T. HORMAN sold his western, "Straight and Narrow," to be used as the third of the TIM HOLT western series. . . . M-G-M will start four big pictures within three weeks. They are "Go West," MARX BROTHERS musical; "Flight Command," ROBERT TAYLOR vehicle to be directed by FRANK BORZAGE; "Come Live With Me," starring JAMES STEWART and HEDY LAMARR, to be directed by CLARENCE BROWN; "Ziegfeld Girl," to be produced by PANDRO S. BERMAN.

• •

William LeBaron is mulling plans to costar Fred MacMurray, Paulette Goddard and Patricia Morison in "The Bride Went West," a domestic comedy by Charles O'Neil and Duane Decker . . . Lou Ostrow of Vogue Pictures has signed Albert S. Rogell to direct "Li'l Abner," first of that company's product for RKO release. Charles Kerr and Tyler Johnson have written the script for All Capp's comic strip story . . . Diana Lewis, Mrs. William Powell in private life, will be the feminine lead in M-G-M's "Go West."

• •

TAMARA will make her film debut in "No, No, Nanette,' ANNA NEAGLE vehicle at RKO. . . . WALTER PIDGEON has been given an extension of his contract at M-G-M. . . . LOIS RANSON draws the feminine lead in "Arizona Skies," Three Mesquiteer western at Republic. . . . CLARA KIMBALL YOUNG has been cast for Harry Sherman-Paramount's "The Roundup" and will ad lib her entire role. . . . ARTHUR HORNBLOW JR.'s production of "I Wanted Wings" will show every phase of training, except those kept secret by the U. S. Army, of course, that air cadets must undergo. . . . Seven thousand Marines quartered at San Diego appear in Warners' "March On, Marines," latest in the series of that studio's national preparedness shorts.

• •

Final title on LINDSLEY PARSONS' production starring FRANKIE DARRO at Monogram has been set as "Up in the Air." . . . "Sky Murder" is the title of the currently shooting Nick Carter picture at M-G-M. . . EVERETT SLOANE becomes the eleventh Mercury Theatre actor to join the cast of Orson Welles' "Citizen Kane," at RKO. The title cards, before naming the actors, will group them as "The Mercury Players." . . . MANFRED LEE and FREDERICK DANNAY, in addition to doing their Ellery Queen stories for LARRY DARMOUR, will concoct a "Thin Man" story for M-G-M's WILLIAM POWELL and MYRNA LOY.

• •

FRANK THOMAS has been given a leading character role in Paramount's "D. O. A.," the title coming from police ambulance surgeons' terminology meaning "Dead on Arrival." . . . ARTHUR LUBIN will direct Universal's "Meet the Wild Cat," starring MARGARET LINDSAY and featuring JOSEPH SCHILDKRAUT, JEROME COWAN and RALPH BELLAMY. . . . Republic has signed JOSEPH SANTLEY to succeed the late GUS MEINS on the direction of "Melody and Moonlight."

• •

William A. Seiter, now finishing the editing of "Hired Wife" at Universal, draws the directorial post on the next Deanna Durbin film, "Nice Girl." He directed "It's a Date." Currently shooting is "Spring Parade," which Henry Koster is guiding . . . Paul Kelly joins the cast of "Flight Command" at M-G-M . . . George Tobias and James Stephenson have been set for "South of Suez," Warner vehicle for George Raft and Geraldine Fitzgerald.

• •

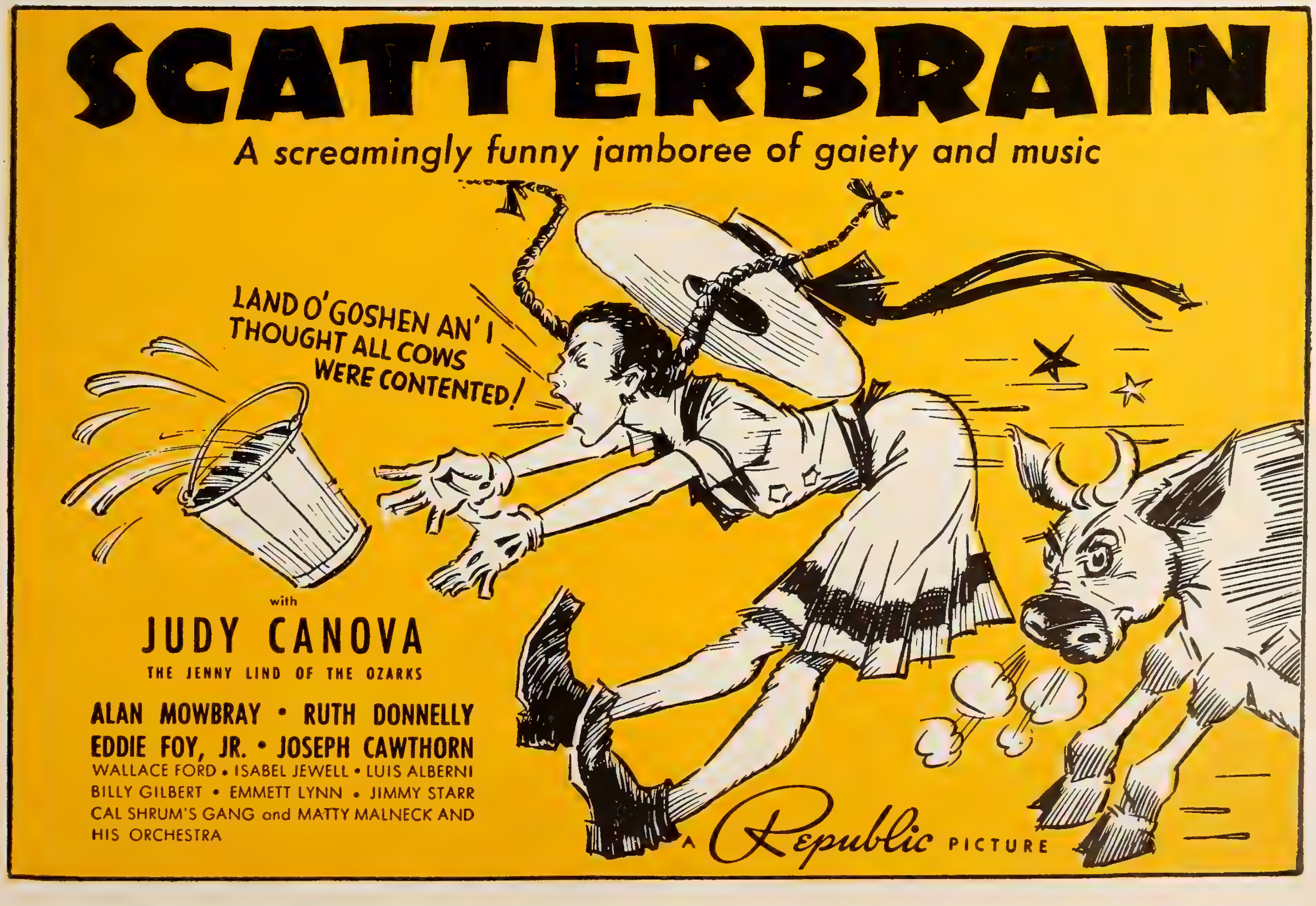
CHARLES HOLLAND, noted Negro tenor, has been signed to a term contract at M-G-M. He attracted executives' attention at the recent all-star Red Cross benefit broadcast.

Para. Leads League

The Paramount team is leading the Motion Picture Baseball League with three games won and none lost in the second half of the season. Skouras, M-G-M, Universal, Rockefeller Center, Consolidated Film, NBC and International Projector are trailing.

New Disney Office

HOLLYWOOD, Aug. 12.—Kay Kamen will open new headquarters here shortly for licensing the use of Walt Disney characters.


LAND O'GOSHEN AN' I THOUGHT ALL COWS WERE CONTENTED!
SCATTERBRAIN
A screamingly funny jamboree of gaiety and music
with
JUDY CANOVA
THE JENNY LIND OF THE OZARKS
ALAN MOWBRAY • RUTH DONNELLY
EDDIE FOY, JR. • JOSEPH CAWTHORN
WALLACE FORD • ISABEL JEWELL • LUIS ALBERNI
BILLY GILBERT • EMMETT LYNN • JIMMY STARR
CAL SHRUM'S GANG and MATTY MALNECK AND HIS ORCHESTRA
A Republic PICTURE

39 New Films Now in Work On the Coast

HOLLYWOOD, Aug. 12.—Thirty-nine pictures were before the cameras this week as seven pictures started and 11 finished. Twenty-four were in the preparation stage, and 78 were being edited.

The tally by studios:

Columbia

Finished: "I'm for Rent," "Into the Crimson West."

In Work: "Blondie Plays Cupid."

Started: "Women Under 21."

M-G-M

Finished: "Dr. Kildare Goes Home," "Up in the Air," "That Gang of Mine."

In Work: "The Philadelphia Story," "Bittersweet," "Go West," "Little Nellie Kelly," "Flight Command," "Sky Murder," "Third Finger, Left Hand."

Monogram

Finished: "The Ape."

Paramount

In Work: "Arise, My Love," "The Quarterback," "Virginia," "Love Thy Neighbor," "D. O. A.," "Second Chorus."

Started: "The Roundup."

RKO

In Work: "Little Men," "Mexican Spitfire Out West," "Wagon Train," "Citizen Kane."

Started: "You'll Find Out."

Republic

Finished: "Arizona Skies."

Started: "Hit Parade."

Roach

In Work: "Roadshow."

20th Century-Fox

Finished: "Down Argentine Way," "Charlie Chan in New York," "Charter Pilot."

In Work: "The Californian."

Started: "Jennie."

Universal

In Work: "Spring Parade," "A Little Bit of Heaven," "Seven Sinners," "The Pony Post," "The Green Hornet Strikes Again," "The Devil's Pipeline."

Started: "Fireman, Save My Child," "Meet the Wildcat."

Warners

In Work: "Meet John Doe," "Honeymoon for Three," "Santa Fe Trail," "East of the River," "Four Mothers," "High Sierra."

Autonomy Sought by Ushers in St. Louis

ST. LOUIS, Aug. 12.—Twenty-two members of Local B-2, I.A.T.S.E., composed of ushers, ticket takers, cashiers and miscellaneous theatre employes, have filed a petition with the Central Trades and Labor Council asking that control of the union be turned over to the members.

It was alleged that members have paid $23,000 to the local's treasury but that no accounting of these funds has been given by the executive board. Furthermore, it was stated, members have never been permitted to elect their own officials and the full membership of the executive board itself is not known. Appeals have been made to George E. Browne, I.A. president.

Feature Reviews

"Pier 13"

(20th Century-Fox)

THERE is a pleasant surprise awaiting the exhibitors who open this tidy little package of romantic repartee and action melodrama. In it they will find all the elements which go to make up a fast moving chase of an international jewel thief and the courtship of an Irish lass by an Irish cop.

Embellished with a witty dialogue, "Pier 13" never lags and although the pattern of the story is familiar, Eugene Forde, who directed, built up the turns of the plot so skillfully that the attention cannot wander.

Lloyd Nolan as the clever young police officer is assigned to track down Douglas Fowley who robs a precious jade figure from a jewelry store. Fowley, a former sweetheart of Joan Valerie, attempts to involve her in the burglary but fails. Meanwhile, Nolan who is hot on his trail, is courting Lynn Bari, Miss Valerie's sister.

Fowley kills a policeman and is forced to hide out. He compels the sisters to assist him under threat of implicating Miss Valerie. The resulting conflict of loyalties and emotions are suitably resolved by the capture of the criminal and the exoneration of Miss Valerie.

Sol M. Wurtzel was executive producer. Stanley Rauh and Clark Andrews wrote the screen play from a story by Barry Conners and Philip Klein.

Running time, 66 minutes. "G."* EDWARD GREIF

"Money and the Woman"

(Warners)

HOLLYWOOD, Aug. 12.—A somewhat unusual story about the inner operations of a banking institution, wherein some adroit thieving occurs, is covered up, then exposed again, supplies chief interest in this vehicle for Jeffrey Lynn, Brenda Marshall, John Litel and Lee Patrick. Proceeding conversationally for the greater part of its footage, the action steps up to high-gear in a bank-robbery sequence near the close which is followed by street chase, gun battle and other ingredients of melodrama.

William Jacobs produced the picture, directed by William K. Howard, from a Robert Presnell screenplay based on a story by James H. Cain. Support is furnished by Henry O'Neill, Roger Pryor, Guinn Williams Henry Kolker, William Gould, Ed Keane and others.

Jeffrey plays a bank vice-president who falls in love with the wife of a defaulting department head, aids her in covering up a shortage when he learns she plans divorcing her husband because he has stolen the money for another woman, then comes to suspect the girl of being in league with the thief. After numerous complications, explanations emerge and the ends of justice are served.

Running time, 65 minutes. "G."* ROSCOE WILLIAMS

"Earl of Puddlestone"

(Republic)

Based on an original screenplay by Val Burton and Ewart Adamson, this, the latest in the "Higgins" series, continues with the interesting adventures of this typical American family. James, Lucille and Russell Gleason head the cast as three members of the family with Harry Davenport as "Grandpa," and "Betty" and "Tommy Higgins" portrayed by Lois Ranson and Tommy Ryan, respectively.

The title of the picture is derived from the bogus honor placed on the head of the family by his enterprising father-in-law. The Higgins family bemoan their fate of not being wealthy and accepted in the upper strata of society. Grandpa, in an effort to win recognition for the family, hires an imposter to pose as an English barrister who brings the rights to the title of "Earl" and an English estate to the family upon the death of an uncle. Finally an expose by a jealous neighbor reveals the fraud. Everything turns out for the best, with the family accepted in society.

Slight romance is supplied by Lois Ranson and William Brady. Eric Blore in his usual portrayal of the butler effectively enhances the humor.

Running time, 67 minutes. "G."*

**"G" denotes general classification.*

Seeks Suit Examination

Application for an order to direct examination before trial of the officers of 20th Century-Fox Film Corp., Pictorial Review Co., Inc., and Herbert R. Mayes has been made in N. Y. Supreme Court by Mary Orr in connection with her suit for an injunction and $75,000 damages. The suit involves use of a title of a story, "Battle of Broadway."

RKO Signs Ohio Group

RKO has closed a deal for its entire new season's product with the 26 theatres of the Cooperative Circuit of Northern Ohio, in and adjacent to Cleveland. Charles Boasberg, RKO East Central district manager, and George Lefko, Cleveland branch manager, represented RKO in the deal, and Milt Mooney the circuit.

'Daltons' High In L.A. Again; $9,600, $8,500

LOS ANGELES, Aug. 12.—"When the Daltons Rode" in the second week at the Hillstreet and the Pantages continued as the best box office attraction here, drawing $9,600 and $8,500 respectively, at the two theatres. "The Mortal Storm," with $5,400 in its third week at the 4 Star, was also well above average. Other grosses were off.

Estimated takings for the week ending Aug. 7:

"Gone With the Wind" (M-G-M)
CARTHAY CIRCLE—(1,518) (75c-$1.00-$1.10-$1.50) 7 days. Gross: $4,038. (Average, $17,000)

"The Man I Married" (20th-Fox)
"Sailor Lady" (20th-Fox)
CHINESE — (2,500) (33c-44c-55c-75c) 7 days. Gross: $9,400. (Average, $12,500)

"The Mortal Storm" (M-G-M)
4 STAR—(900) (40c-55c) 7 days, 3rd week. Gross: $5,400. (Average, $3,250)

"When the Daltons Rode" (Univ.)
"You Can't Fool Your Wife" (RKO)
HILLSTREET—(2,700) (33c-44c-55c-75c) 7 days, 2nd week. Gross: $9,600. (Average, $6,500)

"The Man I Married" (20th-Fox)
"Sailor's Lady" (20th-Fox)
LOEW'S STATE—(2,500) (33c-44c-55c-75c) 7 days. Gross: $10,100. (Average, $14,000)

"When the Daltons Rode" (Univ.)
"You Can't Fool Your Wife" (RKO)
PANTAGES — (3,000) (33c-44c-55c-75c) 7 days, 2nd week. Gross: $8,500. (Average, $7,000)

"The Great McGinty" (Para.)
PARAMOUNT—(3,595) (33c-44c-55c-75c) 7 days. Stage: F. & M. revue. Gross: $14,500. (Average, $18,000)

"Gone With the Wind" (M-G-M)
UNITED ARTISTS — (2,100) (75c-$1.00-$1.10-$1.50) 7 days. Gross: $4,220.

"They Drive by Night" (W. B.)
"Scatterbrain" (Rep.)
WARNER BROS. (HOLLYWOOD) — (3,000) (33c-44c-55c-75c) 7 days, 2nd week. Gross: $8,510. (Average, $14,000)

"They Drive by Night" (W. B.)
"Scatterbrain" (Rep.)
WARNER BROS. (DOWNTOWN) — (3,400) (33c-44c-55c-75c) 7 days, 2nd week. Gross: $9,538. (Average, $12,000)

'Pago Pago' Draws $7,400, Omaha Best

OMAHA, Aug. 12.—"South of Pago Pago" drew $7,400 at the Omaha. "The Boys from Syracuse" was good for $8,300 at the Orpheum.

Estimated takings for the week ending Aug. 8-9:

"They Drive By Night" (W. B.)
"Pop Always Pays" (W. B.)
BRANDEIS—(1,200) (30c-40c-44c) 7 days, 2nd week. Gross: $4,200. (Average, $4,000)

"South of Pago Pago" (U. A.)
"Private Affairs" (Univ.)
OMAHA—(2,000) (30c-44c) 7 days. Gross: $7,400. (Average, $6,000)

"Boys from Syracuse" (Univ.)
"Sandy Is a Lady" (Univ.)
ORPHEUM — (3,000) (30c-44c) 7 days. Gross: $8,300. (Average, $7,200)

Cooper's Deal with Dent Falls Through

LINCOLN, Aug. 12.—Extended negotiations between J. H. Cooper and L. L. Dent designed to eliminate their opposition interests here and in Oklahoma City have collapsed.

The projected deal would have given Cooper a half interest in and operation of Dent's State in Oklahoma City, in return for a half interest in and operation of Cooper's Nebraska here for Dent. The negotiations had been in progress since the first of the year.

COMPLETING THE PICTURE

DRAMATIC lighting and unusual camera angles are only partly responsible for the startling beauty of modern screen productions. It takes Eastman negative films to do full justice to the cameraman's wizardry — to really complete the picture. Eastman Kodak Company, Rochester, N. Y.

J. E. BRULATOUR, INC., *Distributors*
Fort Lee Chicago Hollywood

PLUS-X
for general studio use

SUPER-XX
when little light is available

BACKGROUND-X
for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

Philadelphia Double Openings to Remain

Philadelphia, Aug. 12.—Double openings for major features will become a standard policy for the downtown, first run Warner theatres here. An innovation born with "Gone With the Wind," when simultaneous premieres at the Boyd and Earle proved profitable, Warners had a twin opening for "I Love You Again" over the weekend at the Earle and Stanley. The circuit also plans a simultaneous premiere for "The Sea Hawk" at the Boyd and Earle.

Canadian Pioneers Form Maritime Unit

St. John, N. B., Aug. 12.—Organized here by Sydney Taube, of Toronto, is a Maritime Provinces' unit of the Canadian Picture Pioneers. The charter membership consists of Archie Mason, Springhill, N. S.; Fred M. Gregor, New Waterford, N. S.; Robert Roddick and Myer Herschorn, Halifax, N. S.; W. H. Cuzner, Sydney Mines, N. S.; Jack Butler, Moncton, N. B.; A. A. Fielding, F. G. Spencer and Joseph Franklin, St. John, all exhibitors; Reginald March, Abe Smith, Mitchell Bernstein, all of St. John, exchange managers. Others are joining from among those in both classes who have been in the business for at least 25 years.

Mason was named as the first chairman, and Roddick and March as co-secretaries, each for a different area. The first business meeting is to be held during September.

PCC Heads Attend Meeting in Seattle

Seattle, Aug. 12.—Here to attend the quarterly meeting of the trustees of the Pacific Coast Conference of Independent Theatre Owners are Robert Poole, Los Angeles, executive secretary of the California board; Robert Miller, Portland, executive secretary of the Oregon board; Ben Levin, San Francisco; Robert White, Portland; Wesley Johnson, Eugene; Rotus Harvey, San Francisco; Hugh Bruen, Whittier, California; Jack Berman, Los Angeles.

James M. Hone, executive secretary of the Washington state group, is handling the sessions here, being held at the Washington Hotel.

Civic Theatre in Black

St. Louis, Aug. 12.—The Municipal theatre, 10,000-seat outdoor theatre featuring musical comedies and light operas during the Summer, has ended the first half of the current season with a gross of $251,000 for 49 performances—paid by 428,200 persons. If this business is maintained, the civic enterprise will be in the black for the season. Scale is from 25 cents to $2.50.

Bugie Joins Republic

Cincinnati, Aug. 12. — Harry Bugie, formerly with Cooperative Theatres here, has joined Republic as salesman in the Columbus territory. He succeeds C. A. Lippman, who has joined Monogram as salesman in the same territory.

Off the Antenna

INDICATIONS are that the NBC policy of rejecting all business from manufacturers of laxatives will be relaxed or completely abandoned within the near future, according to usually reliable sources. In its *Working Manual Manual for Continuity Acceptance* NBC rejects as unacceptable business "cathartics, including foods or beverages advertised for their value as cathartics; also products generally known and used exclusively as cathartics, even when cathartic references are not made in broadcast advertising copy."

NBC has never completely rejected all laxative sponsors, taking the position that those companies which had bought the time before enactment of the policy should be permitted to renew their contracts. As a result, it was pointed out, manufacturers with new products were banned from the air while the older companies continued.

Actually, it is not considered likely that the relaxed policy, if adopted, will have much effect on the Red network as that web is solidly booked. On the Blue, however, it should help to fill many gaps. Not yet officially confirmed, it has been reported that Lewis-Howe Co. has purchased time for NR tablets.

• • •

Purely Personal: *Just to prove his versatility, Bert Lebhar, Jr., WHN sales director, who also broadcasts a sports program under the name of Bert Lee, yesterday captained the team which won the masters' team-of-four bridge championships at Asbury Park. . . . John M. Cooper, who was news editor for WBZ-WBZA, Boston, for the past six months, has been named director of publicity for KDKA, Pittsburgh. . . . Walter Wanger and Laraine Day will be guests on "We the People" over CBS tonight at 9. . . . With Bing Crosby on vacation, Bob Burns has taken over the "Kraft Music Hall' Thursday nights over NBC-Red and will have as his guests this week, Fay Bainter, Dorothy Lamour, Ray Milland and Wingy Malone. . . . On vacation from WHN are Fred Raphael, Vivian Brown, Allen Zee and Ellen Williams.*

• • •

National Association of Retail Meat Dealers at their annual convention in St. Paul adopted a resolution calling on the Institute of American Meat Packers to use radio in the current campaign to promote the use of meat and meat products.

• • •

WHN, which dropped the afternoon racing news programs with last minute scratches and final results several months ago, resumed the service yesterday. However, instead of Armstrong Publications as sponsor, the new sponsor is Old Gold cigarettes and baseball news is interspersed with track items.

• • •

Program News: *"Strange As It Seems" celebrates its first anniversary over CBS on Aug. 22. . . . Manhattan Soap Co., until recently sponsor of Mrs. Franklin D. Roosevelt's talks, will sponsor Associated Press news periods Mondays through Fridays over WMAQ, Chicago. . . . Tony Wons will return to the air Oct.* 13 *in a series of three* 15*-minute programs weekly for Hall Bros., Inc., over NBC-Red. . . . Dubble-Bubble gum is sponsoring a new children's series, "Don Winslow of the Navy," over WHN Mondays through Fridays at* 6:15 *P.M.*

Frisco Fair Passes Attendance of 1939

San Francisco, Aug. 12.—With less than two months remaining, the 1940 World's Fair here is past the 3,500,000 attendance mark, nearly 20 per cent ahead of 1939 figures for the same number of days. "The Aquacade," "American Cavalcade" and "Folies Bergere" continue as the three most popular attractions, respectively.

Song Rights to BMI

Bell Music Co. has assigned performance rights to the new song, "We're All Americans," to Broadcast Music, Inc.

Detroit Benefit Planned

Detroit, Aug. 12. — The Detroit Variety Club will conduct its second annual tag day for the School Children's Food and Clothing Fund on Oct. 15, according to Edgar E. Kirchner, chairman. The club has set a $50,000 goal compared with $35,000 raised last year.

On Wisconsin Board

Superior, Wis., Aug. 12.—Harvey C. Buchanan, pioneer Wisconsin exhibitor and manager of the Palace theatre here, has been reappointed to the Wisconsin Athletic Commission by Gov. Julius P. Heil for a term which expires Aug. 20, 1945.

Campobello Gets Theatre

St. John, N. B., Aug. 12.—Exasperated by wartime passport and currency regulations, Canadian residents of Campobello Island, where President Roosevelt and his mother, Mrs. Sarah D. Roosevelt, have a summer home, gave up trying to patronize nearby Maine theatres and established their own on the island.

The island is only 100 yards off the Maine border town of Lubec and about two miles off Eastport, Me. The new and stringent passport regulations and the difficulty of getting United States money from the Canadian foreign exchange board for pleasure spending in the United States made it virtually impossible for the islanders to patronize theatres in the two nearby Maine communities. They converted a local hall into a 300-seat theatre, fully equipped. It is drawing patronage, too, from Deer Island, a neighboring Canadian fishing and resort spot.

Reversal

SACRAMENTO, Cal., Aug. 12.— *In a reversal of the usual procedure of paying the Government, the State of California will continue to pay Warners for the next four years, at least. The state has renewed its lease on the second floor of the old Mull Building, purchased several years ago by Warners, which intended to build a theatre on the site. The Board of Equaliaztion has used the quarters at a monthly rental of* $4,000.

Attendance Gains At Cincinnati Bingo

Cincinnati, Aug. 12.—There were 24 fewer Bingo parties here in July than in June, although 19,530 more persons attended, according to figures released by the Police Department.

Total attendance was 261,453 at 208 parties. Gross amounted to $197,961.55, and prizes, $47,262.25, leaving net profit of $150,699.30 to sponsoring organizations. Average net cost per player was 57.6 cents. At two games, merchandise instead of cash prizes was awarded.

Bingo Banned In Columbus Suburbs

Columbus, Aug. 12. — Bingo in Franklin County night spots outside the city limits has been ordered stopped by Sheriff Jacob Sandusky, because, it is claimed, the "stakes" are becoming excessively high, thus bringing the game into the gambling classification, rather than an amusement project. It is not known whether or not the order will be permanent.

Twelve New Pictures Approved by Legion

The National Legion of Decency has approved 12 of 14 new pictures reviewed and classified for the current week, nine for general patronage and three for adults. One was classed as objectionable in part and one was condemned. The new films and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Comin' Round the Mountain," "Blondie Has Servant Trouble," "Durango Kid," "Girl from Avenue A," "I'm Nobody's Sweetheart," "Knute Rockne-All American," "Oklahoma Renegades," "The Ranger and the Lady," "The Tulsa Kid." Class A-2 Unobjectionable for Adults—"Doomed to Die," "I Love You Again," "Sing, Dance, Plenty Hot." Class B, Objectionable in Part —"Girl from God's Country." Class C, Condemned — "Daybreak" (French).

Orders Ziehm Trial

N. Y. Supreme Court Justice J. Sidney Bernstein yesterday denied the application of Arthur Ziehm, Inc., for a temporary injunction to restrain Leo Films, Inc., from distributing "Serenade" in the United States. The court ruled that there is an honest dispute as to whether the plaintiff or defendant had purchased the exclusive U. S. rights on the film, and ordered trial for Oct. 1.

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE
DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

48. NO. 32 NEW YORK, U. S. A., WEDNESDAY, AUGUST 14, 1940 TEN CENTS

'Boom Town' High Scale at 2,000 Theatres

Price Boost 25%, 33%, And 5c for Children

Two thousand leading theatres of the country will begin preparations today for the engagement of Metro's "Boom Town" late this month at advanced admission prices, it was learned yesterday. The film stars Clark Gable, Spencer Tracy, Claudette Colbert and Hedy Lamarr.

W. F. Rodgers

Adult admissions will be increased 33 1/3 per cent at night and 25 per cent for matinee performances.

(Continued on page 3)

Coast Flashes

HOLLYWOOD, Aug. 13.—Herbert J. Yates, head of Consolidated Film Industries, is due here Friday from New York for a stay at the Republic studio, during which it is expected that a Western division sales meeting will be held.

•

William A. Scully, Universal general sales manager, and Joseph Seidelman, general foreign manager, are scheduled to arrive here late this week from New York for a brief visit to the studio and conferences with Nate Blumberg, president.

•

John Sutton today was assigned the lead in "Hudson's Bay," 20th Century-Fox film, replacing Richard Greene, who has volunteered for service in the British Army and is subject to call.

•

The Screen Actors' Guild today announced results of annual elections for the Class B Council, in which 2,098 votes were cast. In a field of 52 candidates, Nellie Farrell led with 1,081 ballots, with Harry Mayp polling 986 and Jim Thorpe 954.

U. S. Gets Kent's Decree Counter Proposals Today

Changes Sought Include New Escape Clause And Discrimination Provision; Paramount Position Parallels 20th Century - Fox

By SAM SHAIN

Official rejection by 20th Century-Fox of the tentative consent decree proposals, together with Sidney R. Kent's counter terms for peace, including a newly phrased escape clause, will be sent to the Government, today. The Government, it is stated, already knows Paramount's position and that it parallels the position taken by 20th Century-Fox. Paramount will not submit any written changes.

The board of directors of 20th Century - Fox, including Kent, president of the company, met yesterday to discuss the terms which are to be submitted to the Government. Following that meeting, this statement was issued by the company:

S. R. Kent

"The board of directors of 20th Century-Fox today considered drafts of the more important sections of the proposed consent decree in the pending anti-trust suit (U. S. versus Paramount et al). S. R. Kent, president of the company, stated that he expected that negotiations with the Government would continue, and that the company would have no public statement to make until the matter was finally disposed of, one way or the other."

The assertion in the 20th Century-Fox statement that the negotiations

(Continued on page 3)

'Dictator' Release Set About Sept. 15

Charles Chaplin's "The Great Dictator" will be released by United Artists on or about Sept. 15, it was revealed at a board of directors meeting of the company yesterday by Maurice Silverstone, operating head of U.A. Silverstone reported on his recent trip to California. The business of the meeting otherwise was described by officials as "routine."

Roosevelt May Pull 'Pastor' from Aldine

PHILADELPHIA, Aug. 13. — James Roosevelt may cancel the Aug. 22 premiere of "Pastor Hall" at the Warner Aldine here in view of the complaint made to Mrs. F. D. Roosevelt by the Philadelphia Musicians' union that the circuit operating the house is involved in a labor dispute with the musicians.

A telegram was received today by A. Rexford Riccardi, secretary of the musicians' local, from the Los Angeles musicians' union, forwarding a request from Roosevelt as to which Philadelphia theatres, agreeable to the union, might be available for his picture.

In reply, the union suggested the Carman, Fay's, Fox, Locust and Erlanger. The first two are vaudeville houses outside the downtown area, while the latter two are occasionally used for legitimate productions.

Senate Quiz Seeks RCA Intermediary

WASHINGTON, Aug. 13.—Testimony at the Senate Interstate Commerce Committee hearing on the reappointment of Thad H. Brown to the FCC today centered about charges that Albert Hislop, former mayor of Portsmouth, N. H., was an intermediary in negotiations between RCA and former Sen. George H. Moses in 1932 when RCA sought a postponement of the Government anti-trust suit.

Roger Whiteford, Washington attorney, admitted that he could not find his firm's account book, three check stub books of the firm and his own personal check stub book for 1932. He also declared that he had mislaid or lost a check for $2,500 sent to Hislop in October, 1932. Whiteford explained, however, that he had made numerous loans to Hislop, a personal friend of his, and that the $2,500 check was one of these.

The committee ordered H. C. Mahaffie, Jr., clerk of the Wilmington Federal Court, where the action was pending, to submit full records of his own and his wife's financial resources.

Allied Executive Committee Meeting Discusses Terms of Consent Decree

Washington, Aug. 13.—Allied States' attitude on divorcement and the block-of-five sales proposal in relation to the tentative draft of the consent decree in the New York anti-trust were discussed here today at a meeting of Allied's executive committee.

The all-day meeting ended with no comment by officials. It was indicated, however, that the pending negotiations on the proposed settlement were a major matter of consideration, in view of the fact that the position taken by 20th Century-Fox and Paramount were due to be received tomorrow by the Department of Justice.

Department officials indicated they would have nothing to say until a number of the problems involved had been definitely settled.

Vogel Addresses Schine Managers

GLOVERSVILLE, N. Y., Aug. 13.—A-Mike Vogel, chairman of the Managers Round Table of *Motion Picture Herald,* making the principal address tonight at a district managers' meeting of the Schine circuit here, stressed the importance of "fighting vigorously" for a share of the nation's entertainment money.

Vogel also discussed methods of exploiting the new season's product, pointing out the films having great promotional possibilities. He also spoke on the value of institutionalizing exploitation in making community contacts.

British Producer Group to Disband

London, Aug. 13.—It is forecast in film circles here that the British Film Producers Association, organization which was formed recently from the former Films Group of the Federation of British Industries, will disband, as a result of loss of membership. The organization will operate only until December.

Ohio Houses Do Not Fear Coin Machines

COLUMBUS, O., Aug. 13.—Although some Ohio exhibitors look apprehensively on the potential competition which will accrue from the 16 mm. films to be shown in coin-operated machines, others are disposed to minimize the competitive effects. They reason that this type of picture will come within the category of supplemental entertainment, theorizing that the patron will visit the places primarily to dine and dance, and the viewing of pictures will be merely incidental.

"It does not appear reasonable that the average person will patronize a place solely for the purpose of seeing a picture, but once they are there for other reasons, they probably will have a look, the same as some patrons are inclined to listen occasionally to music dispensed from coin-operated devices spotted in various establishments," commented one exhibitor spokesman. This sums up the opinion of many exhibitors interviewed.

Personal Mention

JOSEPH H. MOSKOWITZ, Eastern studio representative for 20th Century-Fox, is expected back from the Coast at the end of the week.

•

LEO SPITZ leaves today for Saratoga.

•

JOHN H. HARRIS, president of the Harris Amusement Co., Pittsburgh, commutes between that city and the Jersey coast, where his family is spending the Summer, on his yacht, *The Lujon.*

•

E. BRUCE JOHNSTON, president of General Register Corp., will leave for the Coast at the end of the week.

•

WILL WHITMORE, advertising supervisor for Erpi, will return to work this week after a long illness.

•

I. M. RAPPAPORT, owner of the Hippodrome, Baltimore, has returned from a vacation in Maine for the ninth anniversary week of his theatre.

•

ANNE CANELLI, New Haven booker for Columbia, is spending a week at Gloucester, Mass.

•

NELL WISSELL, secretary to WALTER E. GREEN, president of National Theatre Supply Co., is back from a vacation in the mountains.

•

LILLIAN SANDERS has returned from her vacation.

•

NAT HOLT, RKO Theatres division manager in Cleveland, is visiting the home office.

ROBERT WEITMAN, managing director of the Paramount, returns today from vacation for the opening at his theatre of "The Great McGinty" with Cab Calloway on the stage.

•

Among exhibitors visiting here are: MR. and MRS. C. B. ANDREWS, Lyric, Bishopville, S. C.; BEE RANGER, St. Louis Amusement Co., St. Louis; MR. and MRS. S. V. MAARMAN, Columbia, Coldwater, O.; CLARENCE WAIKER, Shaw, Quincy, Fla., and BERNARD PAYNE, Mohawk, North Adams, Mass.

•

J. J. MILSTEIN, JACK GOETZ, L. J. SCHLAIFER, IRVING BERLIN, HARRY GOLD, JAMES MULVEY at Lindy's (next to the Rivoli) for lunch yesterday.

•

MATTHEW J. FOX, TED CURTIS, STANTON GRIFFIS, ADOLPH ZUKOR, BARNEY BALABAN, LEON NETTER, LEONARD GOLDENSON, JOSEPH BERNHARD, MOE SILVER, OTTO PREMINGER, LAUDY LAWRENCE, GEORGE JESSEL, SID SILVER, LEE SHUBERT, HARRY BRANDT, DAVE BLUM, MORT SPRING, MARTIN BECK, LOUIS PHILLIPS, TOBY GRUEN at Sardi's for lunch yesterday.

•

SOL EDWARDS, HARRY COSMAN, HARRY BUCKLEY, EMANUEL SILVERSTONE, IRVING SHAPIRO, ARTHUR MAYER at Lindy's (51st St.) for lunch yesterday.

•

JOSEPH J. UNGER, CHARLES E. MCCARTHY, MAX COHEN, SAM SHAIN, MAURICE BERGMAN, RUSSELL HOLMAN, JOHN W. HICKS, A. P. WAXMAN, HARRY KALMINE at Nick's Hunting Room at the Astor for lunch yesterday.

•

FRED MCCONNELL, SID WEIL, HARRY THOMAS, BUDD ROGERS, WILLIAM A. SCULLY, BERT MAYER, FRANK MCCARTHY, OSCAR DOOB at the Tavern for lunch yesterday.

•

AL ORODENKER, assistant manager at the Warner Uptown, Philadelphia, leaves for a week in Atlantic City tomorrow.

•

ANGELO LOMBARDI, Warners New Haven booker, is vacationing at Atlantic City.

Bolle En Route Here

Otto W. Bolle, managing director for 20th Century-Fox in South Africa, is en route to New York by way of Brazil for conferences with home office officials. He will arrive in September and remain until the end of the year. It is Bolle's first home office visit since having been appointed to his post at the time the company opened its own office in South Africa.

Graetz Back from Coast

Paul Graetz has returned from Hollywood for conferences with counsel, Schwartz & Frohlich, relative to prospective production engagements for Julien Duvivier, French director, with whom Graetz is associated.

Wright to California

Lloyd Wright, attorney for David Selznick, United Artists producer, left last night for California, after completing plans for the technical reorganization of Selznick-International.

WHAT A MAN!

"McGinty's no 'Ghost Breaker', he's a heart breaker!" —PAULETTE GODDARD

"When it comes to the heart crusher sweepstakes... my bet is McGinty—win, place and show!" —BING CROSBY

"THE GREAT McGINTY"

Paramount Pictures

Newsreel Parade

AMERICA'S defense program high-lighted by President Roosevelt's inspection of naval defense and the elaborate maneuvers of regulars and reserves of the army in New York State, gains a major share of the newsreels' attention. The contents of the new issues follow:

MOVIETONE NEWS, No. 97—President Roosevelt inspects naval defenses. Ex-President Hoover visits Willkie in Colorado. Norwegian freighter burns in New York Harbor. Floods in Louisiana. Forest fires in California. New ship launched in San Francisco. War maneuvers in Washington State.

NEWS OF THE DAY, No. 95—Miss California contest. Soap box derby in Akron. Roosevelt visits arsenal at Watertown. Flood in Louisiana. Duke and Duchess of Windsor in Bermuda. Norwegian freighter burns in New York Harbor. Tennis tournament at Rye, N. Y. War games in New York State.

PARAMOUNT NEWS, No. 100—Mioland wins American derby in Chicago. Soap box derby in Akron. Norwegian freighter burns in New York Harbor. Roosevelt inspects naval defenses. Army maneuvers in New York State. Alien registration started in Washington. Louisiana flood. Windsors in Bermuda.

RKO PATHE NEWS, No. 112—Roosevelt tours defense bases. Army maneuvers in New York. Norwegian boat burns in New York Harbor. Tennis tourney in Rye, N. Y. Soap box derby in Akron, O. Mioland wins race in Chicago mud.

UNIVERSAL NEWSREEL, No. 901—Army maneuvers in upper New York State. Roosevelt inspects coast defense bases. Alien registration starts in Washington. Willkie and Hoover confer in Colorado. Windsors land in Bermuda. Freighter launched sideways in San Francisco. Charlestown hurricane. Floods in Louisiana. Miss California beauty contest held. Soap box derby held at Akron, O. Mioland wins derby in Chicago.

J. E. Otterson Heads Film Machine Firm

John E. Otterson, former president of Erpi and Paramount, is president of the newly incorporated Talk-a-Vision, Inc., coin film machine company. Offices of the company are contemplated at 250 W. 57th St.

W.B. Outing Tomorrow

NEW HAVEN, Aug. 13.—Warnerites of the theatre and film divisions will join for the annual Summer outing on Thursday at Ye Castle Inn, Saybrook. Luncheon, dinner, dancing and various outdoor sports are scheduled for the day. Francis Flood of the theatre department is chairman of the committee.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

'Boom Town' High Scale at 2,000 Theatres

(Continued from page 1)

Children's admissions will be advanced five cents at all times. This increase is exclusive of tax.

Most of Paramount's affiliated theatres, National Theatres (Fox West Coast) and others are stated as already prepared for the advance price move. A total of 250 theatres had signified their intention of dating the film at the higher admissions before Metro's current test runs on the film began, but the company wanted to determine the feasibility of the plan before deciding on a general policy. First complete outline of the plan was published in Motion Picture Daily July 18.

Raising of the scales to the extent asked, it was originally estimated by officials, should make it possible for a gain of as much as $2,500,000 to $3,000,000 in the national gross of the film, with commensurate higher returns to the exhibitor.

Rodgers Wires Exhibitors

William F. Rodgers, Metro general sales manager, yesterday sent wires to leading exhibitors announcing the company's decision to request advanced box-office scales on "Boom Town."

The telegrams were sent following a meeting of Metro executives with Rodgers, including T. J. Connors, Eastern and Southern sales manager and Edward Saunders, Western sales manager, after which the officials declared that the picture on its test engagements has proved its drawing power at higher scales, such as will be asked.

Metro's action in asking exhibitors to raise their admission scales is in line with the company's original announcements with regard to this film, that if the test engagements proved the picture can draw at these higher prices, a general invitation would be issued by the company to all exhibitors to raise scales accordingly when they play "Boom Town."

No Rental Increase

Metro is not asking for higher rentals. The film has already been sold and the fact that exhibitors are already preparing to raise scales on the picture, although not yet booked, is considered by company officials as an indication of the widespread cooperation by the trade in the plan.

The Metro invitation for exhibitor cooperation is unlike any previous effort of the kind in the business in that exhibitors were first provided with test engagements by which to judge the picture's worth.

"We set out with open minds to find the right price policy for 'Boom Town'," Rodgers said yesterday. "The overwhelming success of the first test engagements proves that we have found it. We are submitting the results to exhibitors and asking them to raise their prices proportionately."

In the nine test engagements, Metro reported, business for the first few days on "Boom Town" totaled $105,300, as against comparative figures for the same days in the same theatres of $79,655 for "Test Pilot," $77,521 for "San Francisco," $75,451 for "Boys' Town," $69,235 for "Babes in Arms," and $66,701 for "Northwest Passage."

The "Boom Town" test engagements are underway in Indianapolis, Harrisburg, Reading, New Orleans, Atlantic City, Tulsa, Cincinnati and in two theatres in Los Angeles.

"The fact that these engagements topped previous record gross attractions not only in money but in attendance is significant," Rodgers said. "It means that the public has set the 'Boom Town' policy and definitely establishes that this picture as an advanced-price attraction. We are not demanding that exhibitors increase prices. But the results of these carefully conducted tests prove beyond any doubt the advisability and practicability of the price increases set up in all these engagements."

Rodgers pointed out that the tests were conducted in a most thorough and impartial manner. From more than 250 theatres which had signified a willingness to try out the advanced-price policy, a group of nine were selected for Aug. 8 and 9 openings. They comprise a representative cross-section of theatres and communities.

Feature Review

"Oklahoma Renegades"

(Republic)

A fracas a minute is afforded action film fans in this latest of "The Three Mesquiteers" series, "Oklahoma Renegades." Fist fights, gun play and general free-for-all melees come thick and fast with a troop of Spanish American War veterans winding up the proceedings by out-fighting a group of cattlemen.

Robert Livingston, Raymond Hatton and Duncan Renaldo, the Mesquieteers, come to the aid of their disabled buddies in the Spanish American War by helping them settle on Homestead land made available by the Government. The ranchers resist the invasion on fertile range lands but after a long series of battles peace is established. When the veterans lose their supplies, Lee "Lasses" White and Al Herman stage a lively minstrel show to earn new funds. Florine McKinney, as a ranch owner, supplies the romantic interest.

Harry Grey produced and Nate Watt directed. The screenplay was written by Earle Snell and Doris Schroeder from an original by Charles Condon.

Running time, 57 minutes. "G."* EDWARD GREIF

---

*"G" denotes general classification.

'Prejudice' $8,000 Milwaukee Leader

MILWAUKEE, Aug. 13.—The week' best grosser in a period of pleasant Summer weather was "Pride and Prejudice" with an $8,000 take at the Wisconsin. "They Drive by Night" and "Ladies Must Live" took $6,800 at the Warner.

Estimated takings for the week ending Aug. 6-8:

"The Way of All Flesh" (Para.)
"Grand Ole Opry" (Rep.)
PALACE—(2,400) (30c-40c-55c) 7 days. Gross: $4,000. (Average, $4,000)
"Out West With the Peppers" (Col.)
RIVERSIDE—(2,700) (28c-33c-44c) 7 days. Stage: Pan-American Way. Gross: $6,800. (Average, $6,500)
"Snow White and the Seven Dwarfs" (RKO)
STRAND—(1,400) (30c-40c-55c) 7 days. Gross: $1,200. (Average, $1,500)
"They Drive By Night" (W. B.)
"Ladies Must Live" (W. B.)
WARNER—(2,400) (30c-40c-55c) 7 days. Gross: $6,800. (Average, $4,500)
"Pride and Prejudice" (M-G-M)
WISCONSIN—(3,200) (30c-40c-55c) 7 days. Gross: $8,000. (Average, $5,500)

'Love' Is Detroit's Winner at $17,000

DETROIT, Aug. 13.—Normal summer temperatures revived business to some extent. The Michigan with "I Love You Again" and "Gold Rush Maisie" led the field with a nice $17,000.

Estimated takings for the week ending Aug. 8:

"Maryland" (20th-Fox)
"Military Academy" (Col.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)
"Andy Hardy Meets Debutante" (M-G-M)
"Forty Little Mothers" (M-G-M)
FISHER—(2,700) (15c-44c) 7 days. Gross: $6,500. (Average, $7,000)
"When the Daltons Rode" (Univ.)
"The Man I Married" (20th-Fox)
FOX—(5,000) (15c-55c-65c) 7 days. Gross: $12,000. (Average, $15,000)
"I Love You Again" (M-G-M)
"Gold Rush Maisie" (M-G-M)
MICHIGAN—(4,000) (15c-55c-65c) 7 days. Gross: $17,000. (Average, $12,000)
"One Million B.C." (U. A.)
"Fatal Hour" (Mono.)
PALMS—(2,000) (15c-39c-55c) 7 days. Gross: $7,000. (Average, $7,000)
"Pride and Prejudice" (M-G-M)
"Anne of Windy Poplars" (RKO)
UNITED ARTISTS—(2,000) (15c-39c-55c) 7 days. Gross: $6,500. (Average, $10,000)

Rochester Houses Seek Cut in Taxes

ROCHESTER, Aug. 13.—Reductions in 1941 assessments are being sought by three theatres here.

The RKO Palace seeks a cut from $828,000 to $532,000 and the RKO Temple from $469,700 to $350,000. Loew's Rochester wants its assessment reduced from $1,074,200 to $850,000.

Republic Deal in N.E.

BOSTON, Aug. 13.—Republic has closed with Interstate Theatres of New England, operating 28 houses in Massachusetts, New Hampshire and Vermont, for the new season lineup. James R. Grainger, president, and M. E. Morey represented Republic, and Edward Anson and Harold Stoneman acted for the circuit.

Starts Yiddish Film

Production of "Three Daughters," third of a series of four Yiddish language features being produced by Mathilda Seiden for Cinema Service Corp. has begun at studios in Palisade, N. J.

U. S. to Get Kent's Decree Changes Today

(Continued from page 1)

with the Government are expected to continue would indicate that the Department of Justice is expected to accept Kent's proposals and that a settlement is considered possible.

Important counsel for one of the companies in the meantime have held conferences with counsel for the hold-out companies, Universal, Columbia and United Artists, with a view to having the latter three consider coming in under the pact. However, it was stated by spokesmen for these hold-out companies that the chances of their coming in at this time are not favorable.

The sum-and-substance of Kent's counter-proposals is that, unless all of the defendants in the New York suit operate within the scope of the decree's provisions within nine months after the effective date of the decree, 20th Century-Fox will be absolutely and automatically released from the trade show and selling provisions of the pact. Otherwise, only some minor changes on the discrimination provision and certain other clauses of the tentative pact have been asked for.

New Proposed Section 9

Following is the newly proposed escape clause, which is Section 9 of the tentative draft of the consent decree:

"At any time after June 1, 1942, upon the filing of an application under oath by any distributor defendant which has consented to the entry of this decree, with proof of service upon the other consenting defendants and the petitioner, stating that during the nine months' period next preceding the filing of such application an aggregate of 25 or more feature motion picture films (*Feature motion picture films as used in this section shall not include westerns and foreigns*) have been licensed by one or more distributors of motion picture films operating on a national exchange basis to an exhibitor or exhibitors other than in accordance with the provisions of Sections 1 and 2 hereof (*Trade Showings; Unit Selling in Blocks of Five*), and setting forth the titles of at least 25 such feature motion picture films, the name of the distributor or distributors so licensing the same and the name of an exhibitor or exhibitors to whom they have been so licensed, the court shall forthwith enter an order relieving all such consenting defendants of further compliance with the provisions of Sections 1 and 2 hereof, except with respect to agreements to be made prior to September 1, 1942, licensing feature motion pictures to be released prior to said date."

Boston Outing Aug. 20

BOSTON, Aug. 13.—More than 400 members of Boston's amusement industry are expected to gather Aug. 20 at the Latin Quarter in West Falmouth, Mass., for their third annual outing. Arrangements for the all day celebration are being completed by a committee.

"TELL THE NATION! 'BOOM TOWN' ADVANCED PRICE POLICY WINS IN TRIUMPHANT TESTS!"

"THE PUBLIC SETS 'BOOM TOWN' POLICY!"

M-G-M told theatre patrons that
"**BOOM TOWN**" merited
INCREASED admission prices!
WE used great care in
SELECTING 9 test engagements
FROM coast to coast
(*Los Angeles—2 theatres, Indianapolis, New Orleans, Harrisburg, Reading, Tulsa, Atlantic City, Cincinnati*)
IN the first 3, 4 and 5 days
"**BOOM TOWN**" total gross in these
NINE engagements is
SO overwhelming (*see below*) that
THERE can be no question of
PUBLIC acceptance of increase
AS a nationwide policy!
THE results as we go to press:

THIS IS THE SCALE USED IN 9 TEST ENGAGEMENTS

Adult Matinee
Prices Increased
25%

Adult Evening
Prices Increased
33⅓%

Children Matinee and Evening Prices Increased 5¢

"BOOM TOWN" BEATS

"Test Pilot" by $25,645
"San Francisco" by $27,779
"Boys Town" by $29,849
"Babes in Arms" by $36,065
"Northwest Passage" by $38,599

(*In the same number of theatres for the same number of days*)

"NEED WE SAY MORE!"

'Heaven' Hits Big $48,000, Loop Smash

CHICAGO, Aug. 13.—"All This, and Heaven Too" scored a smashing $48,000 at the Chicago, with Gene Krupa's band on the stage. "I Was an Adventuress" at the Oriental, with Sammy Kaye's band, drew a strong $19,000.

Estimated takings for the week ending Aug. 9:

"Our Town" (U. A.)
APOLLO — (1,400) (35c-55c-75c) 7 days. Gross: $4,000. (Average, $6,500)

"All This, and Heaven Too" (W. B.)
CHICAGO — (4,000) (35c-55c-75c) 7 days. Stage: Gene Krupa and Band. Gross: $48,000. (Average, $32,000)

"Maryland" (20th-Fox)
GARRICK — (1,000) (35c-55c-75c) 7 days. Gross: $4,500. (Average, $5,000)

"I Was An Adventuress" (20th-Fox)
ORIENTAL — (3,200) (25c-40c) 7 days. Stage: Sammy Kaye Band. Gross: $19,000. (Average, $13,000)

"When the Daltons Rode" (Univ.)
"Private Affairs" (Univ.)
PALACE—(2,500) (30c-40c) 7 days. Gross: $12,000. (Average, $13,000)

"South of Pago Pago" (U. A.)
ROOSEVELT — (1,500) (35c-55c-75c) 7 days. Gross: $6,500. (Average, $11,000)

"Wagons Westward" (Rep.)
STATE-LAKE—(2,700) (25c-40c) 7 days. Stage: Bowery Unit. Gross: $18,000. (Average, $15,000)

"Pride and Prejudice" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $14,000. (Average, $14,000)

"Gone With the Wind" (M-G-M)
WOODS—(1,100) (75c-$1.10-$1.50) 7 days, 28th week. Gross: $5,000.

Cincinnati's Heat Beaten by 'Pride'

CINCINNATI, Aug. 13.—Sporadic respites from the oppressive heat resulted in some improvement in grosses, although business still was below normal. "Pride and Prejudice" garnered $13,500 at the RKO Albee.

Estimated takings for the week ending Aug. 7-10:

"Pride and Prejudice" (M-G-M)
RKO ALBEE — (3,300) (39c-47c) 7 days. Gross: $13,500. (Average, $12,000)

"When the Daltons Rode" (Univ.)
RKO PALACE—(2,700) (39c-47c) 7 days. Gross: $9,400. (Average, $10,000)

"My Love Came Back" (W. B.)
RKO CAPITOL—(2,000) (39c-47c) 7 days, 2nd week. Gross: $4,200. (Average, $6,500)

"Leopard Men of Africa" (Select)
RKO LYRIC — (1,400) (33c-42c) 7 days. Gross: $3,000. (Average, $5,000)

"Haunted House" (Mono.)
"Hold That Woman" (Prod. Rel.)
RKO FAMILY—(1,000) (15c-28c) 4 days. Gross: $1,200. (Average, $1,500)

"Girl in 313" (20th-Fox)
"Conga Nights" (Univ.)
RKO FAMILY—(1,000) (15c-28c) 3 days. Gross: $700. (Average, $900)

"Turnabout" (U. A.)
KEITH'S — (1,500) (39c-47c) 7 days, 2nd week. Gross: $4,100. (Average, $6,000)

Shift Theatre Meeting

KANSAS CITY, Aug. 13.—The annual Fall convention of managers and partners of the Commonwealth Theatres group has been changed from Sept. 4 and 5 to Sept. 11 and 12. The meeting will be held at the Hotel President here.

Otto Kanturek Arrives

Otto Kanturek, cameraman on "Gestapo," which 20th Century-Fox will distribute here and in Canada under the title "Night Train," has arrived from England for a visit at the 20th Century-Fox home office.

Critics' Quotes . . .

"PRIDE AND PREJUDICE" (M-G-M)

The most deliciously pert comedy of all manners, the most crisp and crackling satire in costume that we in this corner can remember ever having seen on the screen.—*Bosley Crowther, New York Times.*

Will get by regardless of what the critics say about the overboard emphasis on English manners and morals of the early 1800's and its wordy conversationalism . . . I had a good time . . . undoubtedly the picture has its points.—*Lee Mortimer, New York Daily Mirror.*

A quaintly elegant costumed photoplay . . . a first-rate job of recreating the manners and conventions as well as the outer show of a period.—*Howard Barnes, New York Herald Tribune.*

One of the most entertaining films of the season. . . . Everyone connected with the production, from Producer Hunt Stromberg down to the least of the extra players, has done his best to make "Pride and Prejudice" a saleable product.—*Kate Cameron, New York Daily News.*

The greatest appeal of M-G-M's picturization of the Jane Austen novel is in its Victorian charm.—*Dorothy Guinan, Philadelphia Daily News.*

"WHEN THE DALTONS RODE" (Universal)

This is the dingdongest, fightin'est, ridin'est, shootin'est western that's hove into these parts in quite a month of Sundays. . . . It's all quite exciting if you can let yourselves go and enter into the thing as you used to in the good old days.—*Chicago Tribune.*

A good show. . . . The Dalton boys give a more exciting and more entertaining account of themselves than predecessors James or Quantril.—*Pence James, Chicago Daily News.*

Countless thrilling chases between the gang and the forces of law, exciting gunplay and a modicum of humor.—*Philadelphia Inquirer.*

An exciting film, full of thrills and gunplay. . . . Good direction and acting, neat diologue and comic relief, the smooth flow of action and incident, carry it off into a "horse opera" thriller.—*Philadelphia Record.*

What it may lack in originality, it makes up for in hard riding and quick shooting.—*Philadelphia Ledger.*

If Hollywood's ear-to-the-ground listeners are right, that moviegoers insist on action, they certainly give them what they want in this tempestuous western.—*Philadelphia Bulletin.*

"ANDY HARDY MEETS DEBUTANTE" (M-G-M)

Ably seconded by Judy Garland, Mickey Rooney supplies enough comedy, misadventuring in Manhattan, to make this first-rate entertainment for the Hardy fans.—*Newsweek.*

By far and away the best of the Hardy series. . . . Lewis Stone, as Judge Hardy, is outstanding as usual and Diana Lewis, who plays the too brief part of the debutante, shows startling promise.—*Lee Mortimer, New York Daily Mirror.*

Betters the preceding "Judge Hardy and Son." . . . Thanks to the cast, M-G-M and director George B. Seitz for giving us another good Hardy picture.—*Wanda Hale, New York Daily News.*

Just another milestone in this popular family series—a milestone to be welcomed, that is. But we can't help speculating upon how much they all look alike.—*Bosley Crowther, New York Times.*

There is very little sound drama and very little genuine humor in the proceedings. The human warmth and engaging atmosphere which made earlier items in the series so attractive are generally lacking this time.—*Howard Barnes, New York Herald Tribune.*

"HE STAYED FOR BREAKFAST" (Columbia)

Had the preview audience literally rolling down the aisles in fits of laughing hysterics . . . a definite feather in the celluloid cap of Producer B. P. Schulberg who makes a brilliant comeback with a decided hit . . . just as sophisticated as it sounds, and a lot funnier.—*Jimmy Starr, Los Angeles Herald and Express.*

Its hilarities are immense, and especially good when in the topical vein. . . . On the whole it should be a decided popular winner and purposeful, as well as entertaining.—*Edwin Schallert, Los Angeles Times.*

Serious moments are scarce. The plot's designed for fun . . . a surefire hit.—*Harry Mines, Los Angeles Daily News.*

"THE RAMPARTS WE WATCH" (March of Time-RKO)

Journalism and history rather than drama . . . the strict honesty of this film appeal is all the more remarkable and persuasive.—*James Francis Crow, Los Angeles Citizen News.*

The film is so unusual you find you are following sequences in such numbers you feel you are seeing several stories at once. . . . The picturization is done so naturally you sense in a vivid way the transition from the peace, the complacency and the calm of village church bells, to the blasting fury of hellish war.—*Chicago Herald-American.*

Audiences will recognize the picture as a feature-length March of Time.—*Dorris Arden, Chicago Daily Times.*

"ALL THIS, AND HEAVEN TOO" (Warners)

Once in a great while a perfect picture comes along to make you very proud of the motion picture industry—and such a production is "All This, and Heaven Too."—*Chicago Herald American.*

The picture is two and one-half hours long, but excellent every foot of the way. For heavy drama it is somewhat of a screen triumph and will be one of the season's most popular for the matinee goers.—*Pence James, Chicago Daily News.*

'Drive' Draws Good $16,000, Leads Boston

BOSTON, Aug. 13. — Summer doldrums continued to hold down local houses. The Metropolitan led with $16,000 for "They Drive by Night." Loew's Orpheum, in its second week of "Andy Hardy Meets Debutante," took $14,800, while the State drew $9,800 with the same bill.

Estimated grosses for the week ending Aug. 7:

"South to Karanga" (Univ.)
"Fugitive"
KEITH BOSTON—(3,200) (15c-20c-35c-40c) 7 days. Gross: $5,500. (Average, $8,000)

"Boys from Syracuse" (Univ.)
"The Outsider"
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: $13,500. (Average, $16,000)

"They Drive By Night" (W. B.)
"Ladies Must Live" (W. B.)
METROPOLITAN — (4,367) (25c-35c-40c-55c) 7 days. Gross: $16,000. (Average, $15,500)

"Maryland" (20th-Fox)
"Golden Gloves" (Para.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $6,500. (Average, $7,500)

"Maryland" (20th-Fox)
"Golden Gloves" (RKO)
FENWAY — (1,320) (25c-35c-40c-55c) 7 days. Gross: $3,200. (Average, $4.500)

"All This, and Heaven Too" (W. B.)
"Pop Always Pays" (RKO)
SCOLLAY — (2,500) (25c-35c-40c-55c) 7 days. Gross: $3,500. (Average, $4,000)

"Andy Hardy Meets Debutante" (M-G-M)
"The Captain Is a Lady" (M-G-M)
LOEW'S STATE — (3,000) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $9,800. (Average, $12,000)

"Andy Hardy Meets Debutante" (M-G-M)
"The Captain Is a Lady" (M-G-M)
LOEW'S ORPHEUM — (2,900) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $14,800. (Average, $17,500)

'Daltons' at $4,000 In St. Louis Slump

ST. LOUIS, Aug. 13.—"When the Daltons Rode" and "Untamed" drew an average $4,000 at the Missouri in a week of dull business. The Missouri bill was the only one to reach an average gross.

Estimated takings for the week ending Aug. 8:

"South of Pago Pago" (U. A.)
"The Captain Is a Lady" (M-G-M)
LOEW'S STATE—(3,162) (28c-39c-56c) 7 days. Gross: $9,500. (Average, $13,000)

"They Drive By Night" (W. B.)
"Ladies Must Live" (W. B.)
AMBASSADOR—(3,018) (28c-39c-56c) 7 days, 2nd weeek. Gross: $9,500. (Average, $11,500)

"The Boys From Syracuse" (Univ.)
"Cross Country Romance" (RKO)
FOX—(5,038) (28c-39c-56c) 7 days. Gross: $10,000. (Average, $11,000)

"When the Daltons Rode" (Univ.)
"Untamed" (Para.)
MISSOURI—(3,514) (28c-39c-56c) 7 days. Gross: $4,000. (Average, $4,000)

"Sky Devils" (State Rights)
"Scarface" (W. B.)
ST. LOUIS—(4,000) (28c-39c) 7 days. Gross: $2,400. (Average, $2,600)

Huffman on 'Carson' Show

DENVER, Aug. 13.—Harry E. Huffman, local city manager of Fox Inter-Mountain Theatres, has been named chairman of the general committee in charge of the statewide celebration for the opening of "Kit Carson," Edward Small-U.A. film here Aug. 26.

Para. Beats West Point

Paramount Pep Club baseball team, league leaders, met the West Point nine over the weekend and defeated them by a score of 5 to 3.

Short Subject Reviews

"King of the Royal Mounted"

(Republic)

Associate producer Hiram S. Brown, Jr., has launched a 12-episode serial based on Zane Grey's novel with an original screenplay prepared by Franklyn Adreon, Norman S. Hall, Joseph Poland, Barney A. Sarecky and Sol Shor. With direction by William Witney and John English, the cast is headed by Allan Lane, Robert Strange, Robert Kelland, Lita Conway, Herbert Rawlinson, Harry Cording, Bryant Washburn and Budd Buster.

An enemy country, which is unnamed, seeks a substance which can be used for magnetic mines to destroy the English fleet. The substance can be found only in Canada and a spy is sent to obtain the supply. The Canadian Royal Northwest Mounted set out to capture the agent. With the realism afforded by the current war situation, the story of the struggle between spies and the Mounties holds lots of excitement. Running time, first episode, 30 mins., subsequent episodes, 18 mins.

"Way Back When Razzberry Was a Fruit"

(Fleischer-Paramount)

The cartoon newsreel again depicts the goings-on in the age of the prehistoric man and the dinosaur. This series of "Stone Age" cartoons can provide considerable humor and this issue is up to par. Running time, 7 mins.

"Doing Impossible Stunts"

(Fleischer-Paramount)

Popeye, looking for a screen contract, gets a casting director to look at some reels taken of himself in which he performs some daredevil stunts. Sweetpea, however, sneaks into the projection room and switches the reels. As a result, Sweetpea and not Popeye gets the contract. Running time, 7 mins.

"Unusual Occupations L9-6"

(Paramount)

Six hobbies and odd occupations are included in this reel. On view are a kennel for polar dogs; a man who does sculpture in steel with the aid of an acetylene torch; the U. S. Treasury Department which redeems mutilated currency; a miniature, radio-controlled battle fleet; a collection of odd timepieces; and the autogiro which delivers mail between Camden and Philadelphia. Done in color, the reel should hold interest. Running time, 11 mins.

"Snubbed by a Snob"

(Fleischer-Paramount)

Here is a color cartoon which should make good entertainment. It tells the story of Spunky, a friendly donkey, who is snubbed by a small colt. Later, Spunky saves the colt when the latter is menaced by a bull. Running time, 7 mins.

Off the Antenna

ROBERT A. SCHMID, Mutual's sales promotion manager, has prepared a lively promotion piece, "Air-rithmetic," to explain the new volume discount plan of the network. Designed as a copy book with pencil attached, the layout explains how savings can be effected on both day and night time shows.

• • •

Purely Personal: *James Roosevelt will be guest on "Information, Please" over NBC-Blue Tuesday, Aug. 27 at 8:30 P.M. . . . Estelle Levy, now 16 years of age, will celebrate her 12th anniversary with CBS on "Let's Pretend" Aug. 17. She started at the age of four. On the same day, Nila Mack will celebrate her 10th anniversary with the program. . . . Bernie Armstrong has been named director of the KDKA orchestra and Aneurin Bodycombe has been appointed concert director. . . . Charles Capps, formerly program director of WARM, Scranton, is the new program director at WMCA, while Bob Carter is the new chief announcer.*

• • •

A novel type of program will be introduced by Ed Mayehoff over WOR tomorrow at 8 P.M. in the guise of a variety show. Mayehoff will imitate well-known or typical New Yorkers while acting as master of ceremonies and will change his style each week. To start, Mayehoff will imitate the fabulous George McCoy who broke almost every rule in radio when he did a sidewalk interview show over WHOM last season. Mayehoff will interview McCoy at the end of the program.

• • •

Around the Country: New business at WTRY, Troy, includes Ralston Purina, three quarter-hours weekly for 26 weeks; McMillen Fur. Co., five minutes daily, 52 weeks; Williams Tire & Rubber Co., a renewal of five minutes daily, 13 weeks; J. M. Warren & Co. has renewed its present contract; and an extensive spot campaign by the Wallace Co., which operates a Schenectady department store.

At WGY, Schenectady, new business includes Bond Stores, Inc., 52 weeks for "Gene O'Haire" and "Sports Musical Clock"; D'Jimas Reliable Furs, 52 weeks of weather reports; International Salt Co., participations on "Market Basket" thrice weekly for 26 weeks; and Wheatena Co. will sponsor the "Wheatena Playhouse" until March 28.

• • •

Program News: *Bond Stores, Inc., will sponsor "Confidentially Yours" over WOR thrice weekly beginning Sept. 9 and has renewed three weekly 45-minute participations in "John Gambling's Musical Clock" and sponsorship of the Sunday Transradio news period. The three contracts are for 52 weeks. . . . "News of the War," CBS sustainer, will be sponsored Tuesdays and Thursdays by Manufacturers Trust Co., beginning Sept. 17 and Mondays, Wednesdays and Fridays, beginning Oct. 7 by Luden's cough drops. . . . "Johnny Get Your Wings," a new program under U. S. Army auspices which will dramatize the adventures of a flying cadet will start Monday over WMCA and will be heard Mondays, Wednesdays and Fridays at 7:30 P.M.*

'Drive' at $11,000 Best in Cleveland

CLEVELAND, Aug. 13.—"They Drive By Night" earned a second week at Warners' Hippodrome by drawing $11,000. "All This, and Heaven Too," in its fourth week at the Allen, attraced $4,500, the only other to do average or better.

Estimated takings for the week ending Aug. 8:

"All This, and Heaven Too" (W. B.)
ALLEN—(3,000) (33c-39c-47c) 7 days, 4th week. Gross: $4,500. (Average, $4,000)
"They Drive By Night" (W. B.)
WARNERS' HIPPODROME — (3,800) (33c-39c-47c) 7 days. Gross: $11,000. (Average, $11,000)
"When the Daltons Rode" (Univ.)
RKO PALACE—(3,100) (33c-39c-47c) 7 days. Gross: $7,000. (Average, $9,500)
"Untamed" (Para.)
LOEW'S STATE—(3,500) (33c-39c-47c) 7 days. Gross: $8,500. (Average, $11,000)
"We Who Are Young" (M-G-M)
LOEW'S STILLMAN—(1,900) (33c-39c-47c) 7 days. Gross: $3,500. (Average, $4,000)

Sack, Hoffberg in Deal

Future distribution of Negro features distributed by Sack Amusement Enterprises will be handled in New York, northern New Jersey and the Eastern region by J. H. Hoffberg, following a deal completed by Hoffberg and Alfred N. Sack.

Signe Hasso En Route

HOLLYWOOD, Aug. 13.—Signe Hasso, Swedish film actress, is scheduled to arrive here Thursday, traveling on the *President Cleveland* via Japan. She is under contract to RKO.

'Pride' with $12,500 Best in Providence

PROVIDENCE, Aug. 13.—"Pride and Prejudice" and "We Who Are Young," paired at Loew's State, were good for $12,500, but elsewhere, the heat held grosses down.

Estimated takings for the week ending Aug. 7-8:

"Pride and Prejudice" (M-G-M)
"We Who Are Young" (M-G-M)
LOEW'S STATE—(3,232) (28c-39c-50c) 7 days. Gross: $12,500. (Average, $11,000)
"The Boys from Syracuse" (Univ.)
"A Fugitive from Justice" (W. B.)
MAJESTIC—(2,500) (28c-39c-50c) 8 days. Gross: $4,800. (7-day average, $7,000)
"Golden Gloves" (Para.)
"Grand Ole Opry" (Rep.)
STRAND — (2,200) (28c-39c-50c) 7 days. Gross: $3,300. (Average, $6,000)
"The Ranger and the Lady" (Rep.)
"On the Spot" (Mono.)
FAY'S—(1,800) (15c-28c) 7 days. Gross: $2,700. (Average, $2,500)
"They Drive By Night" (W. B.)
"Ladies Must Live" (W. B.)
CARLTON—(1,526) (28c-39c-50c) 7 days, 2nd week. Gross: $3,000. (Average, $3,500)
"Saturday's Children" (W. B.) (3 days)
"Sandy Is a Lady" (Univ.) (3 days)
"Susan and God" (M-G-M) (4 days)
"Queen of the Mob" (Para.) (4 days)
EMPIRE—(2,200) (20c-28c) 2nd run. Gross: $1,350. (Average, $1,700)

To Vote on Sunday Films

PHILADELPHIA, Aug. 13.—Abington Township, adjoining this city, is assured the opportunity to vote in the November election on the question of Sunday films, now banned in the community. A petition signed by 1,243 residents was forwarded to the county commissioners.

Theatre Changes

Stanley Co. Renews Leases

WILMINGTON, Del., Aug. 13.—The Stanley Co. of America, Warner subsidiary, has again signed 10-year leases for the Queen and Arcadia and plans to reopen the latter theatre which has been closed for the past 18 months, A. J. Vanni, zone manager, has announced. Both theatres are downtown houses. Reopening of the Arcadia is expected in the Fall after a suitable policy has been selected.

The new leases acquired from the Topkis-Ginns Theatre Co., owners of the houses, become effective tomorrow. The Stanley Co. also operates the Warner, Grand, Aldine, and Savoy here.

Evergreen Promotes Baker

SEATTLE, Aug. 13.—Frank L. Newman, Sr., general manager of Hamrick-Evergreen circuit, has appointed Al Baker as city manager of all Evergreen theatres in Spokane, succeeding Joe Rosenfield, resigned. Baker was former city manager at Bellingham, where he will be succeeded by James Andrus.

Cincinnati Grand Opens Soon

CINCINNATI, Aug. 13.—The new 1,500-seat RKO Grand, just completed to replace the Grand Opera House, a 70-year-old downtown landmark, will open Aug. 22. William T. Hastings, who has been in charge of the RKO Lyric, directly across the street, will manage the new house. His successor has not been appointed.

St. Paul House Opens

ST. PAUL, Aug. 13.—Newest addition to the Minnesota Amusement Co. circuit is the new Centre Theatre here, located at one of the main traffic arteries between St. Paul and Minneapolis. Opening night celebration was broadcast over KSTP. Neighborhood policy will prevail. George M. Aurelius is manager.

Plan Montgomery Theatre

MONTGOMERY, Ala., Aug. 13. — A neighborhood theatre will be erected in the near future, in the business area at Cloverdale Road and Fairview Avenue, and leased and operated by Alabama Theatres, Inc., headed by R. B. Wilby.

Washington House Sub-Leased

SPOKANE, Wash., Aug. 13. — The Rex at Newport, Wash., has been subleased to Bennett & Son, who operate the Roxy in Priest River, Idaho. The Rex formerly was operated by James Ewing, manager of the Spokane Orpheum.

Building Augusta House

AUGUSTA, Ga., Aug. 13. — The Lakeview, with a seating capacity of 500, is under construction in the West End section of Augusta. It will be operated by Sam and Jacob Bogo. Sam Bogo was formerly manager of several South Carolina theatres.

Little Closed for August

BALTIMORE, Aug. 13.—For the first time in the six years it has been operated by Herman Blum, the Little has been closed for the month of August. Reopening is planned after Labor Day. The Little usually plays foreign films and revivals.

You know It's a HIT!

NOW TURN THIS
QUESTIONNAIRE
INTO MONEY!

Are you giving it the best playing time? ✓

Are you planning extra playing time? ✓

Are you starting advertising well in advance? ✓

Are you doing everything you can...to get the most profit out of the most laughs you ever had in your theatre? ✓

MOTION
PICTURE DAILY
says: *"A sure-fire cure for the troubled box-office!"*

LORETTA
YOUNG and
MELVYN
DOUGLAS

HE STAYED FOR BREAKFAST

with **ALAN MARSHAL** • **Eugene Pallette** • **Una O'Connor**

Based upon Sidney Howard's adaptation of the French play, "Liberte' Provisoire", by Michel Duran · Screen play by P. J. Wolfson, Michael Fessier, Ernest Vajda

Produced by B. P. SCHULBERG

Directed by ALEXANDER HALL

COLUMBIA PICTURES

FILE COPY

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

48. NO. 33 NEW YORK, U. S. A., THURSDAY, AUGUST 15, 1940 TEN CENTS

GOVT. REJECTS FOX PEACE TERMS; WARNS PARAMOUNT

Department of Justice Warns Paramount and 20th Century-Fox to Accept Consent Decree Draft of Aug. 3 Which Warners, RKO and M-G-M Have Accepted or Stand Trial in Oct.

WASHINGTON, Aug. 14.—The Department of Justice tonight warned 20th Century-Fox and Paramount that unless they joined with M-G-M, RKO and Warner Bros., in the proposed consent decree which the last three have worked out, the Government will proceed to trial against them at the conclusion of the present continuance in October.

No further time will be spent in attempting to reach an agreement acceptable to the two companies, it was indicated at the Department of Justice, and the proposals made by M-G-M, RKO and Warner Bros., if acceptable to U. S. Attorney General Robert Jackson, must be accepted by 20th Century-Fox and Paramount, if the two desire to escape a long and expensive trial.

It was emphasized that Attorney General Jackson has not yet approved the August 3 draft of the proposed consent decree which M-G-M, RKO and Warner Bros. have accepted, but it was indicated that it probably would prove acceptable to the Justice Department head.

The Government has not indicated what its course would be in connection with the three companies which have accepted the proposed decree.

Department officials made it known that they had received proposals from 20th Century-Fox, which had been rejected after consideration, and have advised the company that unless they accept the decree as worked out in conference with the other companies, they must stand trial.

No proposals have been received from Paramount, but it is understood that the company is in accord with 20th Century-Fox on the escape clause, although the Department did not know Paramount's attitude with respect to other provisions.

However, it was stated, Paramount is in the same position as 20th Century-Fox and has been told it either must come in under the decree or stand trial.

There was no reference in the above warning to Universal, Columbia and United Artists.

Nazis Insist Metro Leave Their Areas

Germans Order Company Out in 24 Hours

Cabled dispatches from Berlin yesterday that German authorities had given M-G-M 24 hours in which to withdraw all its films from circulation in "Greater Germany" were assumed by M-G-M home office foreign department officials to refer to isolated representatives of the company on the Continent who may have disregarded the original German order banning M-G-M films from Germany and occupied territory.

Home office officials said that the company had notified its offices affected by the ban to cease distribution in compliance with the original order which demanded withdrawal from Germany by Aug. 2 and from occupied territories by Aug. 12.

M-G-M has not protested the ban to the State Department at Washington, although 20th Century-Fox, whose product was banned simultaneously, has done so. No reply to the protest has been received by the latter company. State Department officials indicated yesterday there was little they could do with respect to such complaints.

Coast Flashes

HOLLYWOOD, Aug. 14.—Basil Bleck, counsel for Alexander Korda, has resigned to join the British war service. In preparation for his Hollywood production program, Korda has obtained the services of R. A. Klune as production manager on loan from David O. Selznick.

•

A score of Hollywood personalities were charged with being members of the Communist party, secret sympathizers or contributors, in a transcript of testimony given before the Los Angeles County Grand Jury and disclosed today.

D. of J. Has No Plan For Exhibitor Meet

Washington, Aug. 14.—The Department of Justice has given copies of the latest draft of the proposed consent decree to various exhibitor organizations, it was learned today. The Department, however, is said to have no intention of calling a mass meeting at which exhibitors can express their views as to the acceptability of the proposals.

Will Open 'Young' In Four Theatres

SALT LAKE CITY, Aug. 14.—With all seats sold out at three local theatres for the Aug. 23 premiere of 20th Century-Fox's "Brigham Young," tickets have gone on sale at a fourth theatre. A fifth house has been held in reserve if needed. Tickets are priced at $1.10.

The three houses sold out are the Centre, Paramount and Capitol. The Utah is the fourth house. Tyrone Power, Linda Darnell and Dean Jagger will head a group of Hollywood players who will attend the premiere. A civic celebration will feature the opening.

After the premiere, the film will continue at the Centre at increased prices.

Music Hall Record Set by 'Prejudice'

Metro's "Pride and Prejudice," co-starring Laurence Olivier and Greer Garson, established a non-holiday week's record at Radio City Music Hall for this year, and entered into that theatre's "distinguished picture class" with a first week's gross of more than $100,000, the theatre management announced yesterday. Attendance for the first seven days was 150,000, and the picture is the biggest August grosser in the theatre's eight-year history, the announcement states.

M.P.T.O.A. May Call Mass Meeting On Decree, Kuykendall Tells Cohen

Ed Kuykendall, president of the M.P.T.O.A., yesterday assured Max A. Cohen, president of Allied of New York, M.P.T.O.A. affiliate, that a general mass meeting of exhibitors will be called in connection with the proposed consent decree, should the organization's executive committee be unable to obtain the "right" consideration from the Department of Justice.

Kuykendall asserted that the independent exhibitor will be protected and that if a meeting is arranged between the executive committee of the M.P.T.O.A. and the Department of Justice, no proposals will be accepted by that body which will be "injurious to the independent exhibitor."

A meeting of the executive committee, Kuykendall stated, will be called soon in New York or Washington to consider such action as may be necessary with regard to the expected conferences with the Department of Justice.

Kuykendall's action followed a telegram which was sent to him by Cohen urging an immediate meeting of the executive committee to consider the proposed decree terms.

British Theatres Camouflage Roofs

London, Aug. 14.—Following a lead from the Government many British houses are camouflaging their roofs. The Ministry of Home Security has asked them to do so and allay public anxiety about vulnerable objectives. It is not considered necessary to camouflage the house when it is in a town and among large or similar buildings. Grey oil bound distemper is being used.

Schine Managers Discuss Sales Plan

Gloversville, N. Y., Aug. 14.—Merchandising plans and policies featured the discussion at the three-day semi-annual district managers meeting of the Schine circuit here, which will end tomorrow. J. Meyer Schine, president, and Louis W. Schine, vice-president in charge of operations, are presiding.

More than 50 field and home office executives are in attendance. A banquet was held last night at the Hotel Johnstown, in Johnstown, N. Y. A golf tournament was held this afternoon, and individual district meetings will be held at the concluding session tomorrow.

Petrillo to Meet Bernhard on Strike

Joseph Bernhard, general manager of Warner theatres, is scheduled to meet with James C. Petrillo, president of American Federation of Musicians, this week to discuss the musicians' strike at Warner Philadelphia houses, Petrillo said yesterday.

Petrillo declared that the use of an automatic music machine at the State, Elkhart, Ind., had not been called to the attention of the national office by the local involved and that no action would be taken unless the local requested it. Petrillo said he contemplates no national action against theatres using music machines at the present time.

Large Coast Group To 'Carson' Opening

Numerous Hollywood personalities are scheduled to attend the world premiere of Edward Small's "Kit Carson" at the Denver and Paramount theatres, Denver, Aug. 26. Among them are: Olympe Bradna, Anita Louise, Carole Landis, Victor Mature, Simone Simon, Fay Wray, Muriel Angelus, Bruce Cabot, Jon Hall, Jack La Rue, Lynn Bari, Harold Huber, Dana Andrews, Ward Bond, William Farnum and Raymond Hatton.

Delay Price Decision

London, Aug. 14.—It is understood that one circuit, believed to be Associated British, is preventing a decision by the circuits on the admission increase policy. Again today no statement was issued on the deliberations, which are continuing daily.

Club Golf Sept. 16

Cincinnati, Aug. 14.—The Cincinnati Variety Club will hold its annual golf tournament at nearby Summit Hills Country Club, Sept. 16.

Personal Mention

WILL H. HAYS will leave for the Coast tomorrow to spend another month there.

•

Leonard Goldenson and Sam Dembow left for Buffalo yesterday for a few days of business conferences with officials of the Shea circuit.

•

R. B. Wilby left for Charlotte yesterday following a brief visit here. R. J. O'Donnell will leave for Dallas tomorrow.

•

O. C. Doering, Jr., of counsel for RKO, is vacationing in Wisconsin.

•

Mrs. E. K. O'Shea, wife of M-G-M's Eastern district manager, and their daughter, Patricia, return from Canada tonight.

•

William Mansell, Warner Philadelphia branch manager, returned to his office yesterday after conferences here with Roy Haines, Eastern sales manager.

•

Harry Kugel, cashier at the M-G-M New York exchange, has announced his engagement to Ruth Feiring.

•

C. A. Van Doeren, Altec service engineer at Tulsa, is the father of a boy, born to Mrs. Van Doeren this week.

•

Norris J. Nelson, assistant manager of the Stanley, Baltimore, leaves at the end of the week for a two-week vacation in Florida. Irving Martin, publicist at the house, will spend the weekend in Richmond.

•

Sam Rosen of New Haven, exhibitor in Lakeville and Winsted, Conn., became the father of a girl this week.

•

Thanos Skouras plans to return to Greece in about two weeks.

•

Rube Jackter, Maurice Silverstone lunched yesterday at Lindy's (51st St.).

•

George Abbott arrives from the Coast today.

J. CHEEVER COWDIN, Universal board chairman, and Joseph Seidelman, vice-president and foreign department head, left for the Coast yesterday for conferences with Nate J. Blumberg, president, and Cliff Work, studio head.

•

Jack Kirsch, president of Illinois Allied, visited here yesterday while en route back to Chicago from Washington, where he attended the Allied States executive committee meeting.

•

Nate Spingold, Irving Berlin, J. J. Milstein and Lou Brandt at Lindy's (next the Rivoli) for lunch yesterday.

•

Will H. Hays, Austin C. Keough, Louis Phillips, Robert Weitman, Herman Wobber, Arthur Krim, Claude Lee, Leon Janney, Marcus Heiman, Barry Jones, Lief Ericson, Morris Colburne, Richard Maney, Alexander Ince, Robert Ames, John Golden, Guy Bolton, Rowland Leigh, Lawrence Riley, William Melacher, Arthur Krecke, Max Wolfe, Martin Beck, Dario Faralla, Dennis King, Lee Shubert at Sardi's for lunch yesterday.

•

William F. Rodgers, Edward Saunders, Max Cohen, Max Dreyfuss, William Scully, George Skouras, Louis Dreyfuss, John Hicks, Jr., Russell Holman, Sam Shain, Ted O'Shea, Sol Bornstein, Joseph Bernard, Herman Shumlin, Louis Weinberg, Charles E. McCarthy at Nick's Hunting Room at the Astor yesterday for lunch.

•

I. E. Lopert, Mack Littman, Jack Burstein, Fred McConnell, Hank Linet, Arthur Mayer, Arthur Lee, Jeffrey Bernerd, Budd Rogers, Larry Thomas, William J. Ferguson, Robert Goldstein, Chick E. Lewis, Jack Schlaifer, Monroe Greenthal, Armand Dennis, William Fitelson, Bert Mayers, Rutgers Neilson, Sid Weil, Irwin Margulies, Hal LeRoy lunched yesterday at the Tavern.

Republic Meeting In Memphis Today

James R. Grainger, president of Republic, left yesterday by plane for Washington. From there he will go on to Memphis, to preside at a Southern regional sales meeting today at the Peabody Hotel. He will return to the home office by plane Saturday.

The Memphis meeting will be attended by: William G. Underwood and Claude C. Ezell, Dallas franchise holders; Lloyd Rust, manager of the Dallas office; Arthur C. Bromberg, Southeastern franchise holder; Henry Glover, Atlanta branch manager; Harold Laird, Tampa manager; J. H. Dillon, Charlotte manager; L. V. Seicshnaydre, New Orleans branch manager; William M. Snelson, Memphis branch manager; Sol Davis and Morris Loewenstein, Oklahoma City franchise holders.

'U' Honors Ethel Black

Home office employes of Universal yesterday gathered to congratulate Ethel Black of the purchasing department, on her 25th anniversary with the company. She was presented a check in appreciation of her long service and was tendered a surprise luncheon.

Monogram to Run Northwest Branch

Monogram will operate the recently acquired Monogram Pictures of the Northwest, Inc., in conjunction with Monogram Pictures of California, Inc., of which Howard Stubbins is president. W. Ray Johnston, president of Monogram, will become a member of the board.

Johnston is scheduled to arrive from the Coast today. He has been at the studio since May 15, conferring with Scott R. Dunlap, vice-president in charge of production.

Wanger Host Today

Walter Wanger will be host this afternoon to screen personalities, artists and the press at a reception and preview of the paintings recently made in Hollywood by nine artists for his U. A. film, "The Long Voyage Home." The reception will be at the Associated American Artists galleries, where the exhibit will remain on view through Sept. 10.

Republic Names White

Hollywood, Aug. 14.—Eddy White today was appointed Republic associate producer.

'Iron Lung' Sent To Paralysis Area

Cincinnati, Aug. 14.—The Cincinnati Variety Club has sent its "iron lung" to the Cabel County Department of Public Assistance, at Huntington, W. Va., to be used in the infantile paralysis epidemic which is particularly serious in that section.

The equipment, purchased four years ago, has been in storage here for use without cost in just such an emergency.

Conn. Allied Scores Block-of-Five Selling

New Haven, Aug. 14.—Allied Theatre Owners of Connecticut was unanimous in expressing disapproval of the method of selling in blocks of five pictures as outlined in the consent decree, at a luncheon-meeting at the HofBrau House.

The organization members were agreed that they preferred the method of selling as outlined in the Neely bill. There was also a general discussion of the problems of the buying season. Charles Repass, of the Crown, Hartford, presided in the absence of President A. M. Schuman.

N. J. Allied to Honor Myers at Banquet

The convention committee of Allied Theatre Owners of New Jersey has decided to honor Abram F. Myers, general counsel and chairman of the board of national Allied, at a testimonial banquet in conjunction with the local organization's 21st annual convention at the President Hotel, Atlantic City, Sept. 25-27.

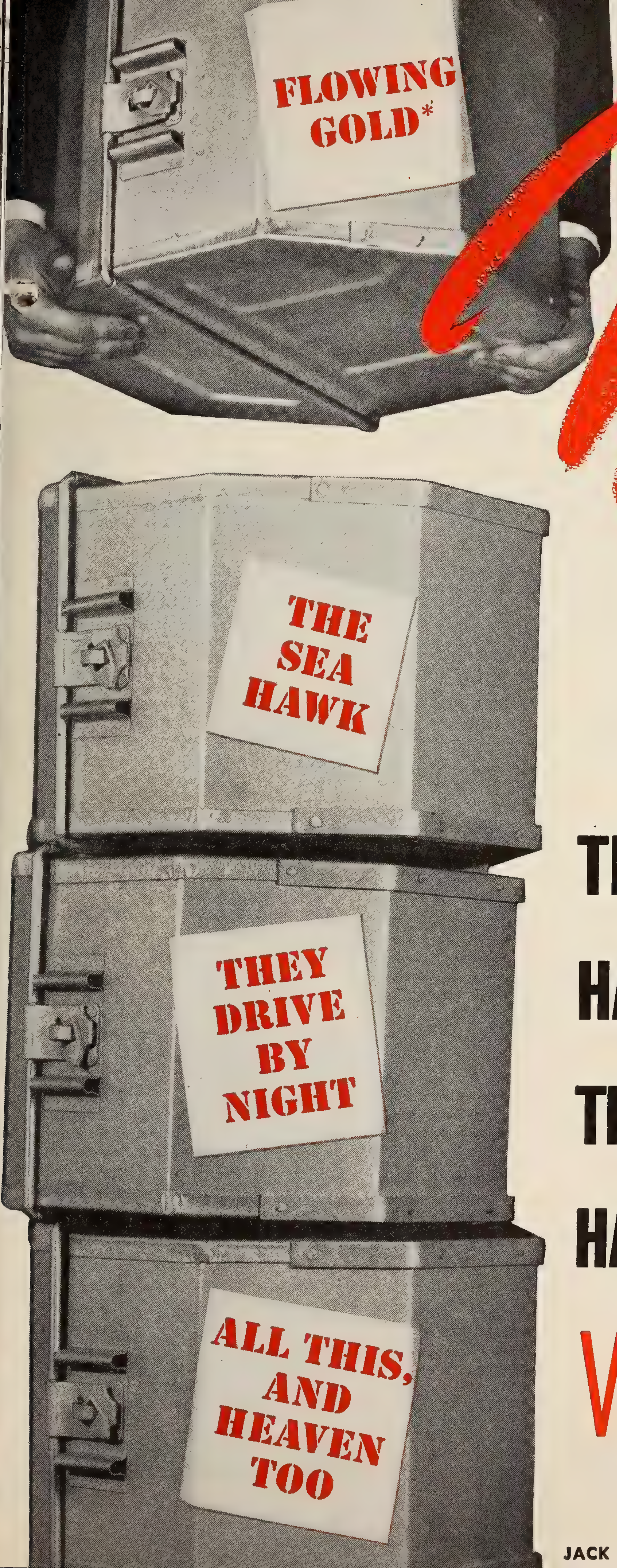
Other Allied units are expected to send delegations to the banquet honoring Myers. Manufacturers and supply dealers will have an exhibition of equipment in connection with the convention.

Pollock's Mother Dies

Los Angeles, Aug. 14.—Mrs. Pauline Pollock, mother of Louis Pollock, Universal Eastern advertising manager, died at the Cedars of Lebanon Hospital here last night. Surviving also are her husband, Max; a daughter, Ethel, and another son, Benjamin. Louis Pollock is due here by plane for the funeral.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A Cron, Advertising Manager; Chicago Bureau 624 South Michigan Avenue, C. B. O'Neill manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.


FLOWING GOLD*
THE SEA HAWK
THEY DRIVE BY NIGHT
ALL THIS, AND HEAVEN TOO

Next!

* Already finished, already previewed and all ready for shipment! From the rousing Rex Beach saga, starring JOHN GARFIELD (*his biggest!*) FRANCES FARMER (*lovely!*) PAT O'BRIEN (*powerful!*) Directed by Alfred Green

THE COMPANY THAT HAS THEM NOW AND THE COMPANY THAT HAS THEM COMING IS

WARNERS

JACK L. WARNER In Charge of Production • **HAL B. WALLIS** Executive Produce

British Reels Join in Single Empire Issue

By AUBREY FLANAGAN

LONDON, Aug. 14. — All of the British newsreels are planning a regular issue—composed of pooled negatives—to be distributed throughout the Empire. The issue will be devoted exclusively to war subjects.

The plan for the pooled reel has the support of the Ministry of Information of the British Government.

The London Philharmonic Orchestra, leading British group, recently saved from dissolution, will make its bow Aug. 26 at a London film theatre, the Gaumont State, largest house in Europe. The week's run will feature a daily change of program.

The Ministry of Home Supply has asked the industry to cut in half its requirement of metal for film containers. Representatives of the Kinematograph Renters Society have discussed the matter with raw stock producers and are experimenting with other materials. A 50 per cent reduction is believed impossible at once.

Film theatre tickets are being "repulped" to make new ones. The idea was initiated by two branches of the Cinematograph Exhibitors Association and was approved by the Customs and Excise Department of the Government.

Although tea is rationed in England, British film house employes are not going without their afternoon cup. The Government is making special arrangements to allot limited supplies to offices and shops, and the C. E. A. has seen to it that the staffs of theatres get their share.

After eight years of wordy warfare Manchester is to have films on Sunday. A City Council vote favored the Sabbath pictures by 55 to 35.

B. & K., CBS Seek Television Permits

WASHINGTON, Aug. 14. — Balaban & Katz, Paramount theatre affiliate, which recently received a license for a television station in Chicago, today filed application with the FCC for permission to construct a relay television station in that city. It will operate in the 204-210 and 210-216 m.c. channels with 250 watts power.

CBS has asked permits for television stations at Los Angeles and Chicago, both to operate in the 66-72 m.c. channel with 1,000 watts. CBS has already been granted a license for its New York station. The new applications are in line with the allotment originally made by the FCC.

Television Productions, Inc., which has a license for a Los Angeles station, made application for a mobile unit license to operate in the 180-186 and 186-192 m.c. channels with 200 watts.

Showmanship Flashes

Search for Old Cabbie Aids 'Prejudice' Run

SAN FRANCISCO, Aug. 14.—Part of the ballyhoo for the opening of "Pride and Prejudice" at the Warfield consisted of a citywide search for San Francisco's oldest ex-cabbie. An exclusive tieup with the *Chronicle* resulted in daily stories, plus interview and picture of James McCullough, 86, who won the search. McCullough was driven in an old two-horse hack to the Palace Hotel for lunch, accompanied by a pretty model, wearing a gown worn by Greer Garson in the picture.

'Zanzibar' Campaign Features Altered Lobby

SPOKANE, Aug. 14. — Howard D. McBride and Ray Howe of the Granada put over a campaign here on "Zanzibar" featuring 200 bumper strips, reading "Go to Zanzibar," planted on taxicabs 10 days in advance. To tie in, ads were broke four days in advance reading "For Thrill of Your Life Go to 'Zanzibar.'" An "over-all" lobby was constructed of compo board and veneer including banner 50 feet long with cut out letters 33 inches high. The box office was turned into grass hut, reeds and leaves giving jungle effect.

Wins Canada Contest For 'Invisible' Stunts

TORONTO, Aug. 14.—Manager W. C. Tyers of the Granada, St. Thomas, Ont., earned the award in the latest competition for the best campaign among the 23 houses of Hanson Theatres in Ontario with his exploitation on 'The Invisible Man Returns." Tyers' stunts included a rocking chair in a lobby display which was manipulated by the doorman with the help of a long black thread, the card announcement reading, "Shhh! The Invisible Man is now rocking in his chair, etc."; black footprints painted on the floor of the outside lobby with a card referring to the footprints of the titled character; a card placed on a mirror which read: "Look in this mirror—If you don't see yourself you will receive a pass to see the Invisible Man Returns," and similar stunts.

Lloyd to Tour Country To Aid 'Spring Parade'

Garrett J. Lloyd has been assigned by the Universal studio to visit from 30 to 40 major cities throughout the country in the interests of "Spring Parade," the new Deanna Durbin picture.

He will give special showings of a two-reel picture tracing the course of Deanna's screen career. The trip will include every city in which Universal has an exchange as well as other nearby large communities.

Bathing Contests Used To Plug 'Pago Pago'

ALBANY, Aug. 14.—United Artists is exploiting 'South of Pago Pago" in the Adirondack Mountain belt with extensive tieins with bathing beaches and holding South Sea Island competitions among the women. Girls attired in sarongs are touring the beaches to exploit the picture, at Lake George, Lake Placid, Lake Pleasant, Schroon Lake, Chestertown and Elizabethtown. Exploitation setup is being handled by Harold Sugerman, out of Loudonville.

Hold Preview on 'Hall' For Frisco Organizations

SAN FRANCISCO, Aug. 14.—A review of "Pastor Hall," the anti-Nazi British film being released by James Roosevelt through United Artists, was arranged at the Press Club by Charles Schlaifer, manager of the local United Artists Theatre. Many patriotic and Americanization groups were contacted by Schlaifer for the film's local buildup. Radio also was used.

Comerford in Tieup With Grocery Firm

WILKES-BARRE, Pa., Aug. 14. — Through the work of James Riley, assistant manager at the Capitol, all central city Comerford Theatres have a tieup with one of the leading restaurant and grocery firms whereby air-conditioned restaurants feature the fact that theatres are air-conditioned too, and also lists current attractions at the theatres. Same data is included on all delivered orders by the grocery department.

Stresses Comedy Angles In Selling 'Turnabout'

PHILADELPHIA, Aug. 14. — The Bromley played up all comedy angles for "Turnabout." A man with his clothes on backwards, carrying his "head" in his arms, walked the streets near the house with a sign reading: 'I laughed my head off and I'm all mixed up after seeing a preview of 'Turnabout.'" A laughing record was run off for a half minute in advance of the regular trailer, a single frame flashed on the screen explaining: "Pardon us for laughing, but you'll roar with laughter too when you see 'Turnabout.'"

Confirm Limitations Of Empire Clause

LONDON, Aug. 14.—A letter addressed by Sir Andrew Duncan, president of the Board of Trade, to the National Association of Theatrical and Kine Employes, confirms earlier reports that the Government official had assured the labor unions that films made in Canada are not all automatically available for the British quota.

Only after such assurance had been given did the union consent to consider the socalled Empire films clause of the new film regulations as satisfactory.

N. H. Union to Meet

NEW HAVEN, Aug. 14.—Local 273 of the operators union will meet Monday night at Trades Council Hall.

Gillham Due on Coast

HOLLYWOOD, Aug. 14.—Robert H. Gillham, Paramount advertising and publicity director, is due here tomorrow morning for studio conferences. He will attend the "Rhythm on the River" preview at Del Mar Turf Club Friday, which will be featured by a half-hour NBC broadcast by Bing Crosby and others.

Datlowe Edits Film

Robert Mintz has employed Sam Datlowe to cut and edit his new French film, the Victor Francen starring vehicle, "Le Chemineau."

Joan Castle in 'Beware'

Joan Castle and Henrietta Kay are appearing in "Sailor Beware" at the Ringside Theatre, Long Beach.

'Town' Takes $9,500 in Slow Frisco Week

SAN FRANCISCO, Aug. 14.—Our Town" with $9,500 at the United Artists, turned in the best gross, while business generally was the worst of the Summer season, due to [illegible] weather and competition.

Estimated takings for the week ending Aug. 6-9:

"Villain Still Pursued Her" (RKO)
GOLDEN GATE—(2,850) (39c-44c-55c) 7 days. Stage: vaudeville. Gross: $10,500. (Average, $15,000)

"Boys From Syracuse" (Univ.)
"Military Academy" (Col.)
ORPHEUM—(2,440) (15c-33c-39c-44c) 7 days, 2nd week. Gross: $7,200. (Average, $8,000)

"They Drive By Night" (W.B.)
"Three Faces West" (Rep.)
FOX—(5,000) (15c-33c-39c-44c) 7 days. Gross: $13,700. (Average, $16,000)

"The Man I Married" (20th-Fox)
"Manhattan Heartbeat" (20th-Fox)
PARAMOUNT—(2,740) (15c-33c-39c-44c) 7 days. Gross: $10,500. (Average, $11,500)

"Our Town" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days. Gross: $9,500. (Average, $8,000)

"Gold Rush Maisie" (M-G-M)
"Golden Gloves" (Para.)
ST. FRANCIS—(1,400) (15c-33c-39c-44c) 7 days, 2nd week. Gross: $5,500. (Average, $6,000)

"Pride and Prejudice" (M-G-M)
"Ladies Must Live" (W. B.)
WARFIELD—(2,680) (15c-33c-39c-44c) 7 days, 2nd week. Gross: $11,500. (Average, $12,000)

"Baker's Wife" (Foreign)
CLAY—(400) (15c-39c-44c-55c) 7 days, 7th week. Gross: $1,600. (Average, $1,000)

New Haven Gives 'Syracuse' $5,000

NEW HAVEN, Aug. 14.—"The Boys from Syracuse," dualled with "Three Faces West" took $5,000 at the Paramount. "Pride and Prejudice" and "We Who Are Young" grossed $7,500 at the Loew-Poli. Heat and humidity hurt grosses.

Estimated takings for the week ending Aug. 9:

"Lost Horizon" (Col.)
"The Awful Truth" (Col.)
COLLEGE — (1,499) (28c-39c) 7 days. Gross: 1,700. (Average, $2,700)

"Pride and Prejudice" (M-G-M)
"We Who Are Young" (M-G-M)
LOEW-POLI — (3,040) (39c-55c) 7 days. Gross: $7,500. (Average, $8,000)

"The Boys from Syracuse" (Univ.)
"Three Faces West" (Rep.)
PARAMOUNT—(2,348) (39c-55c) 7 days. Gross: $5,000. (Average, $4,000)

"Four Sons" (20th-Fox)
"Ladies Must Live" (W. B.)
ROGER SHERMAN—(2,200) (39c-55c) 7 days. Gross: $4,000. (Average, $5,000)

Hunger Strike

MEXICO CITY, Aug. 14.— A novelty in the way of a Mexican film strike is the sitdown hunger strike unionized employes of two houses in Aguascalientes City are staging in the corridors of the State Building.

The strikers say they will stay in the State House and go without eating until the State Government upsets the reinstatement to a theatre job by the conciliation board of a man dismissed from the union.

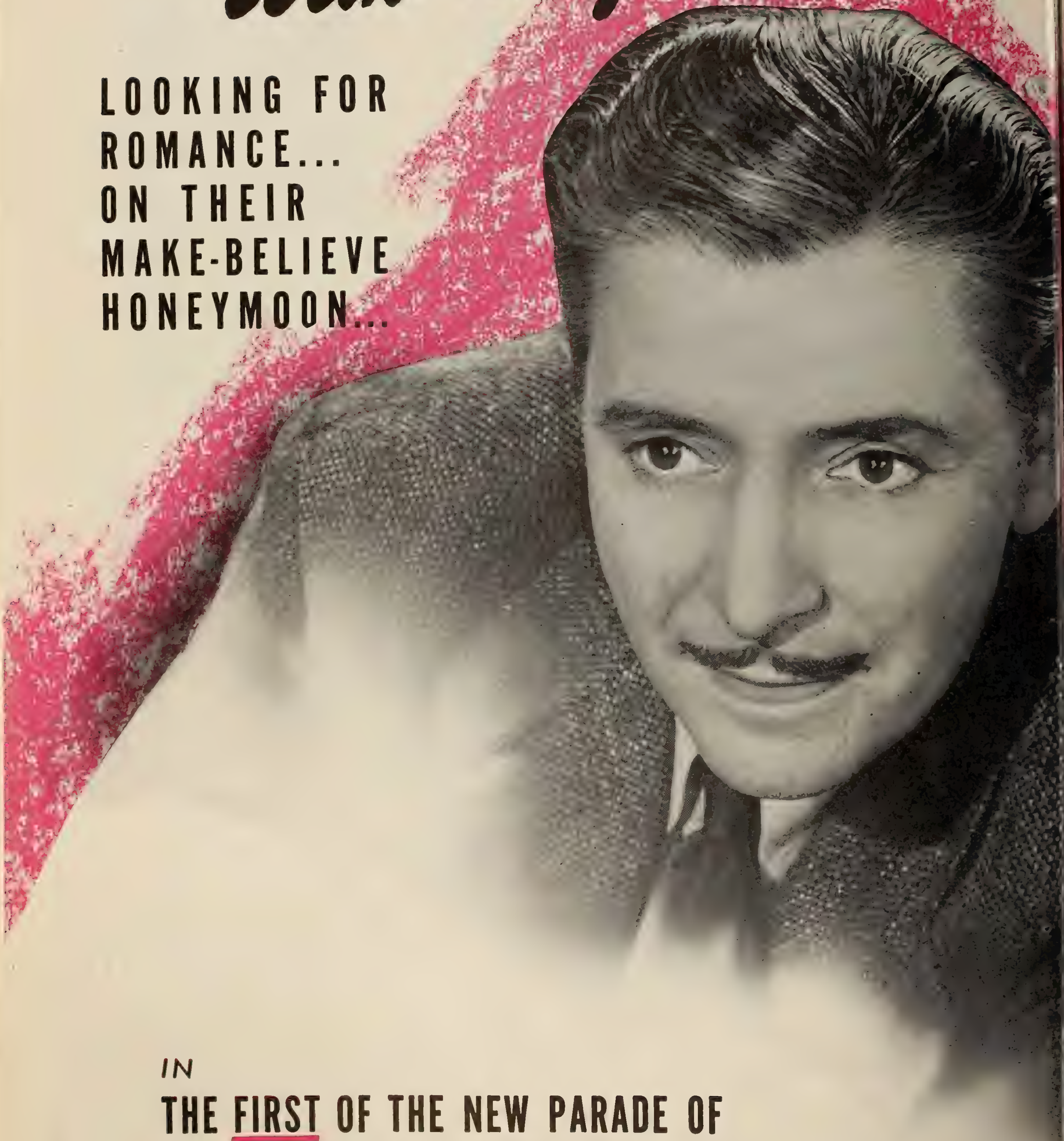
"GOOD MORNING!"

Here's the News!

"BOOM TOWN" advanced price engagements
HELD over and continuing phenomenal success at
INDIANAPOLIS, New Orleans, Harrisburg, Reading
LOS Angeles (*two theatres*), Cincinnati and
WATCH the papers for more!
"BOOM TOWN" is the industry's front page news!
"PRIDE And Prejudice" held over 2nd Week in
RADIO City Music Hall summer-record run!
"I LOVE You Again" fulfills M-G-M prophecy:
HAPPY customers—happy box-offices!
IT'S a sensation wherever it plays and
JOINS the parade of M-G-M hold-over hits!
"STRIKE Up The Band" is the talk of Studioland—
M-G-M's Rooney-Garland musical tornado is
ALREADY picked for the top grosser of 1940-41!
GOOD morning, isn't it a lovely day!

Wait till your fans

LOOKING FOR
ROMANCE...
ON THEIR
MAKE-BELIEVE
HONEYMOON...



IN

**THE FIRST OF THE NEW PARADE OF
BIG HIT SHOWS FROM RKO-RADIO!.....**

hem together . . .

Ronald
COLMAN ★ Ginger
ROGERS

LUCKY PARTNERS

with

SPRING BYINGTON • JACK CARSON

CECILIA LOFTUS • HARRY DAVENPORT • HUGH O'CONNELL

HARRY EDINGTON *Executive Producer* • *Directed by* **LEWIS MILESTONE**

Produced by **GEORGE HAIGHT**

SCREEN PLAY BY ALLAN SCOTT & JOHN VAN DRUTEN • ADAPTED FROM THE STORY, "BONNE CHANCE" BY SACHA GUITRY

R K O
RADIO
PICTURES

Ascap-Radio Mediator May Be Aylesworth

The possibility of a settlement of the current Ascap controversy with radio networks over new licensing terms took definite shape yesterday when it was learned that the name of M. H. Aylesworth, former NBC and RKO president, has been put before both sides as a prospective mediator.

M. H. Aylesworth

There is some likelihood that Ascap's attitude in the matter will be explored at a special meeting of the board of directors to be held today. Ascap officials, however, asserted yesterday that the meeting had been called only to hear reports from Gene Buck, president, and John G. Paine, chairman of Ascap's radio committee, on their recent West Coast meetings, and for a general discussion of the radio situation at this time. They rejected the suggestion that the possibility of a settlement would be discussed at the meeting, asserting that while a settlement always has been regarded as likely nothing has occurred up to this time to furnish substance for a discussion.

For this reason, Ascap officials said, they regarded any comment on the designation of Aylesworth as mediator as premature. However, they expressed the belief that relations between the society and the networks were not "so strained" at this time as to necessitate the appointment of a mediator to conduct negotiations.

"Unless our relationships with the networks become much worse than they now are," one Ascap official said, "there is no reason to believe that we can't speak to each other directly."

Reminded that NBC and CBS officials had walked out of the Ascap meeting at which the new contract terms were submitted to them and had refused to attend subsequent meetings, and that Ascap officials had been refused permission to speak at the recent NAB San Francisco convention, the Society official described these occurrences as "gestures which are part and parcel of every negotiating procedure."

However, it was learned that some pressure to bring about a settlement is being brought to bear by advertising agencies handling radio accounts. A recent letter to agencies setting forth Ascap's position in the current controversy with the networks brought the response from agencies that while Ascap "undoubtedly has a case, they are most interested in learning what the two sides are doing to get together."

Indicating the conviction within Ascap that an ultimate settlement is certain was the prediction made privately by an Ascap official that Broadcast Music, Inc., "will become a music publishing house next year, will be sold and probably apply for an Ascap membership."

Off the Antenna

DESPITE the criticism meted out to all networks by the FCC for the handling of last year's World Series, in its tentative report on monopoly in radio, it now appears that none of the webs has changed its attitude. NBC and CBS have again notified affiliates that they must not accept this program from Mutual, it is reported, and are again pointing to contract provisions. Mutual, on the other hand, is continuing to offer the program to non-Mutual stations in markets where there is no Mutual coverage but is refusing it to stations competing with Mutual outlets.

The public thus will continue the loser in many areas, it is pointed out, and many stations will be denied business which could be used to advantage during daytime hours. Fred Weber, Mutual general manager, defends the position of his network on the ground that Mutual was the last of the webs to take over exclusive rights to sports events. He points to exclusive broadcasts of fights and horse races by other networks.

As was the case last year, when several NBC and CBS outlets ignored the warning and accepted the business on the grounds of public interest, it is expected that they will also broadcast the games this year.

• • •

Purely Personal: William Kostka, NBC press department manager, has returned from a fishing trip in Pennsylvania. . . . Lawson Zerbe is now playing the role of "Denny Davis" on the "Honest Abe" show over CBS Saturdays. . . William Murphy has been named continuity editor for the NBC Central Division.

• • •

"The Green Hornet," dramatic serial produced by WXYZ, Detroit, which was heard over Mutual two years ago and went to NBC-Blue last year, is returning to MBS next Monday and will be heard Mondays and Wednesdays at 8:30 P.M. It is planned to offer the show for separate sponsorship in different cities. The program has had no sponsorship heretofore, although it has a good rating.

• • •

Program News: Clifton Fadiman will act as master of ceremonies on "Back Where I Came From," the 10th of the CBS "Forecast" series Monday. From Hollywood, the double feature technique will be introduced to radio when Charles Laughton, Elsa Lanchester and Edna Best do two one-act playlets in a series to be called "Double Feature." . . . Lever Bros. returns to NBC after several years' absence as sponsor for "Uncle Jim's Question Bee" which will be heard over the Blue Tuesdays at 8:30 P.M. beginning Nov. 12, after "Information Please" shifts to the Red for Lucky Strike cigarettes. . . . "Cavalcade of America" will return to the air for its sixth season Wednesday Oct. 2 under the sponsorship of E. I. duPont. Formerly heard on the Blue, it will be heard over 50 NBC-Red stations this Fall. . . . General Electric has renewed for 52 weeks "The Hour of Charm" heard over NBC-Red Sundays at 10 P.M.

Theatre Changes

Lyric to Be Enlarged

BOLIVAR, N. Y., Aug. 14.—Reconstruction and enlargement of the fire-damaged Lyric is under way. The project, to cost $25,000, will be completed early next month, according to Samuel Gandel, owner.

Seating capacity will be raised by 125, the auditorium will be enlarged and a stage added.

Named Lawrence Manager

LAWRENCE, Mass., Aug. 14.—B. Gruber, former assistant manager at the Broadway, has been appointed manager of the Modern, succeeding William Kelly, who died while on vacation recently.

Grecula Manager of State

TORRINGTON, Conn., Aug. 14.—Ernest Grecula, former assistant at the Avon, Stamford, has been appointed manager of the State here.

Reopen in Columbus Aug. 30

COLUMBUS, O., Aug. 14.—The RKO Grand, which went dark early in the Summer, is scheduled to reopen for the season Aug. 30.

Atlanta Theatre Opens

ATLANTA, Aug. 14.—The Garden, a new theatre operated by the Grant & Fairview Amusement Co., has opened here. Charles A. Adams is general manager of the company.

Cuts Scale for August

AVOCA, Ia., Aug. 14.—J. A. Meredith has reduced adult admission price for Friday and Saturday nights to 20 cents during the month of August.

Pittsburgh Drive-In Ready

PITTSBURGH, Aug. 14. — Third-run product will be shown at the new drive-in theatre to be opened this month near suburban South Park, according to manager George Davis. Constructed to accommodate 400 automobiles, the drive-in is financed mainly by Norbert Stern, loan company executive.

Renovate Stratford Theatre

STRATFORD, Conn., Aug. 14.—Albert Pickus has closed his 500-seat Stratford for two weeks for installation of 200 additional seats, air-conditioning, new floor and acoustical treatment.

Install Air-Conditioning

COLUMBUS, O., Aug. 14.—Air-conditioning equipment has been installed in the Northern and Empress, local neighborhood houses.

Dayton Theatre Reopens

DAYTON, O., Aug. 14.—The RKO Colonial, shuttered about 60 days ago, has reopened.

Arnold on BMI

It is reliably reported that Thurman W. Arnold, head of the Department of Justice anti-trust division, in discussing Broadcast Music, Inc., with a network executive recently, observed that in developing their own music supply source the networks "are trying to set up an Ascap of their own." Arnold's department is engaged in a Federal grand jury investigation [illegible] Ascap in an effort to revive the five-year-old Federal anti-trust suit against the Society.

Substantiate RCA Charge, Smith Told

WASHINGTON, Aug. 14.—Substantiation of the charges made against RCA in a financial report prepared for P. A. Powers in connection with a suit brought against the company was demanded today of J. Austin Smith, C.P.A., by the Senate Interstate Commerce Committee which is considering the renomination of Thad H. Brown to the FCC.

Smith declared that he had prepared the report as "tentative" and had warned that it should be checked before using. Subsequently, he found much of the report inaccurate, Smith said, adding that he was "surprised" when RCA followed the report by employing him.

Rodmond Mahaffie, who admitted that he had resigned from the bar after irregularities had been found in his accounts and subsequently had worked on RCA matters for Fish, Richardson & Nieve, RCA attorneys in the monopoly case, denied that he had or claimed to have any influence with his uncle, H. C. Mahaffie, Jr., Wilmington Federal Court clerk.

Communication Unit Awaiting Approval

WASHINGTON, Aug. 14.—Orders under which a coordinating body for communications, including broadcasting, will be set up as part of the defense program await only President Roosevelt's signature to become effective, it is learned.

The coordination plan, it was disclosed, now has the approval of the War, Navy and Justice Departments and other Federal agencies. Details have not been revealed and it is not expected that any statement will be made or the personnel of the body disclosed until after President Roosevelt has given his approval.

Musicians Settle Fight with AGMA

James C. Petrillo, president of the American Federation of Musicians, and Lawrence Tibbett, president of the American Guild of Musical Artists, at a conference yesterday reached a basis for settlement of the dispute between the two unions. No details were disclosed. Tibbett will submit the settlement terms to his directors, with support being asked from the Four-A actors' group if they are rejected.

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

V[illegible]. 48. NO. 34 NEW YORK, U. S. A., FRIDAY, AUGUST 16, 1940 TEN CENTS

Houses Along Broadway Are EnjoyingBoom

Aided by Cool Weather, Theatres Hold Gain

Aided by cooler weather, Broadway first runs continued to hold business gains during the past week. Most of the current attractions are playing to smash grosses and are being held over. "Pride and Prejudice" ended its first week at Radio City Music Hall with $101,000.

At the Strand, "The Sea Hawk," with Phil Spitalny's orchestra on the stage, had a capacity first week with an estimated $51,000. "The Return of Frank James" with a stage show at the Roxy also played to good business with an estimated $37,000. The second week of "Andy Hardy Meets Debutante" drew an estimated $24,000 at the Capitol.

"Gone With the Wind," which appeared to be near the end of its run about a month ago, has taken a new lease on life and the figures for the past four weeks for the Astor roadshow have shown steady gains. During the past week, its 34th, it grossed an estimated $9,400, which is almost $2,000 ahead of the grosses of several weeks back.

Held over are "Pride and Prejudice" at the Music Hall, "The Sea Hawk," "The Return of Frank James" and "Gone With the Wind." "The Great McGinty" opened big at the Paramount on Wednesday and "I Love You Again" was also strong at the Capitol at its opening yesterday. "Young People" will go into the Roxy next Friday.

SAG Defends Actors Against Red Charge

Hollywood, Aug. 15.—A statement in defense of its members charged with Communism in testimony given the Los Angeles County Grand Jury was issued today by the Screen Actors Guild.

"Members of the SAG," said the statement, "hate Nazism, Communism, and fifth columnists. Because they do, the Guild feels it necessary to point out that the present smear campaign against certain prominent actors is playing squarely into the hands of the real fifth columnists, whom America must smash."

Y. Frank Freeman, Producers' Association president, tonight called for "a complete and impartial investigation" by the Government and asked the public to defer judgment.

U. S. Ultimatum Seen as Killing Decree Chances

Loew's, RKO and W.B. Re-explore Their Assents; 20th Century-Fox Ready to Go to Trial; Paramount Will Discuss Views

By SAM SHAIN

Twentieth Century-Fox will fight. Paramount expects to discuss its views with the Government. Among the companies which already have assented in principle to the consent decree, the sentiment is growing that an out-of-court settlement chance is dead as a result of the Government's ultimatum of yesterday, and that trial of the suit in New York will proceed in October.

The Government's action caused officials of these assenting firms, Loew's, Warner Bros. and RKO, to explore their situations. These companies now are trying to learn whether the decree to which they have assented will become inoperative in the event the Government goes to trial against Paramount, 20th Century-Fox, Universal and Columbia.

They also wish to discover what their positions will be in the event that the Government loses the suit against the other five companies or if the Government obtains only a partial victory. These companies are now studying the situation seriously as they also wish to learn whether they will be granted the benefit of any gains which the other defendants may receive in the event that the Government loses the suit.

Additionally, they began to try to ascertain whether the Government will involve them in the trial as co-conspirators, in order to try to prove its case, despite the fact that they have already agreed to accept a decree.

(Continued on page 3)

British Producers Deny Filming Halted

London, Aug. 15.—A group of active British producers today cabled the British Consul in New York, refuting statements recently published there alleging the cessation of British production. The producers' contention is that production is continuing actively here, and is assisting materially in the propagation of British ideals abroad.

Korda Names Bagnall Production Manager

Hollywood, Aug. 15.—George L. Bagnall, former Paramount vice-president and studio manager, today was appointed general manager of Alexander Korda Productions. The negotiations concluded today were begun after Bagnall left Paramount recently.

The appointment is in preparation for Korda's Hollywood production program, in which S. A. Klune, on loan from Selznick, and Zoltan Korda will also figure.

Coast Independent Group Functioning

Hollywood, Aug. 15.—Culminating the plan inaugurated several months ago, business managers of the "independent major" Hollywood producers met yesterday at the Hollywood Athletic Club to initiate the functioning of their own group along lines similar to the Motion Picture Producers Association.

Members have pointed out that with the recent increase in the number of leading independents producing for

(Continued on page 3)

Monogram Plans to Move Offices to Coast in the Fall

Monogram headquarters will be established on the Pacific Coast some time this Fall, according to present plans, W. Ray Johnston, Monogram president, said on his arrival from the Coast yesterday.

Johnston said that while details of the move have not been finally decided yet, it appears likely that all home office departments and officials with the exception of the general sales manager, foreign department, and an advertising - publicity representative will be transferred to the West Coast. The move may be made on the expiration of Monogram's current office lease in Radio City in about two or three months.

The move is being made for reasons of efficiency and economy, Johnston said. He reported that production has been speeded up considerably and the studio is well ahead of release dates, largely as a result of the ability of studio officials to obtain prompt decisions while Johnston was making his headquarters at the studio. During his stay there 17 pictures were completed and work on seven others was started.

The completed product includes "Queen of the Yukon," with Charles Bickford and Irene Rich, while Johnston described as one of the biggest on Monogram's new season schedule; "The Ape," with Boris Karloff; "Up in the Air," with Frankie Darro, "That Gang of Mine," with the East Side Kids; "Gypsy Cavalier," in color; "Drums of the Desert" and "Phantom of Chinatown."

Scott Dunlap, Monogram production head, and Trem Carr, member of the board, will arrive from the Coast today to attend a meeting of the Monogram board this afternoon. Johnston will remain in New York three or four weeks.

Answers in Schine Trust Suit Ready

Answers of defendants in the Government's anti-trust suit against the Schine circuit and major companies were drafted here yesterday and will be filed in Buffalo today or tomorrow. Saturday is the final day for filing.

The answers for the most part will consist of general denials of the Government's allegations of violations of the anti-trust laws. John Lord O'Brien, chief defense counsel in the case, came to New York from Buffalo yesterday to confer on the answers with major companies' counsel and Willard S. McKay, attorney for the Schine circuit.

No Iowa Tax

Des Moines, Aug. 15.—No one here has heard of any possibility that the State will apply the two per cent personal property tax on film rentals. The Iowa trade has been disturbed by a recent report to that effect.

Skouras to Leave On Tour Tomorrow

Spyros Skouras, head of National Theatres, will leave here tomorrow on his annual tour of the circuit's division headquarters. He will visit five cities, arriving in each in time to attend the first day's session of divisional meetings.

Skouras will meet his brother, Charles, in Chicago, on Sunday, and the three will fly to Milwaukee on Monday. They will attend meetings in Kansas City on Aug. 20, in Denver on Aug. 21, in Portland on Aug. 23 and Los Angeles on Aug. 26. John Healy will accompany Skouras.

Neil Agnew West for De Mille Screening

Neil F. Agnew, Paramount vice-president and distribution head, left for the Coast by plane last night to see Cecil B. De Mille's "Northwest Mounted Police" at San Diego this weekend. Scheduled for Thanksgiving release, the picture is one of the top-bracket productions on Paramount's new season list, starring Gary Cooper, Madeleine Carroll and Paulette Goddard.

Personal Mention

H. M. RICHEY, director of exhibitor relations for RKO, will leave for Canada tonight for several weeks' vacation at his summer home.

•

LOUIS R. GOLDING, district manager of Fabian Theatres, and JOSEPH SHURE. district booker, are here from Albany for conferences with SI FABIAN, and will remain over the weekend.

•

LESTER S. TOBIAS, Monogram New Jersey representative, has been placed in charge of the New York area for the Civilian Air Reserve, national organization of licensed pilots.

•

ALBERT SINDLINGER, advertising and promotion manager for March of Time, is in Buffalo.

•

JOSEPH E. LEWIS, J. J. MILSTEIN, L. J. SCHLAIFER, IRVING BERLIN, at Lindy's (51st St.) for lunch yesterday.

•

JACK KIRSCH, president of Allied Theatre Owners of Illinois, will leave for Chicago tonight.

•

JACK CARR, assistant manager at the Tri-States Paramount in Des Moines, will be married at the end of the week to JEANNE ROBINSON.

•

DWIGHT E. WHITED, projectionist at the Hallstead in Hallstead, Pa., was married recently to Celestine B. Giovanni of Susquehanna, Pa.

•

AL DAFF, Universal Far Eastern general manager, will sail next week for Bombay after a visit here.

H. A. COLE, Allied States president, will leave for Dallas over the weekend after a few days in New York.

•

MAURICE SILVERSTONE, HARRY GOLD, EMANUEL SILVERSTONE, SOL EDWARDS, MAX WEISFELDT lunched yesterday at Lindy's (next the Rivoli).

•

RENE CLAIR will arrive from Europe today.

•

LIEUT. JOHN V. FARROW, former Hollywood director and now publicity officer of the Royal Canadian Navy, was the guest of honor at a luncheon of the Rotary Club of Ottawa this week.

•

NICHOLAS M. SCHENCK, JOHN GOLDEN, CLAYTON BOND, ADOLPH ZUKOR, AUSTIN KEOUGH, LEON NETTER, OTTO PREMINGER, LYNN STARLING, HOWARD GREEN, ALBERT LEWIS, VERNON DUKE, I. E. LOPERT, CHARLES WASHBURN, LESTER FULLER, IRA ASHLEY, MORT SPRING, DAVID BLUM, SIDNEY PHILLIPS at Sardi's yesterday for lunch.

•

COLVIN BROWN, OSCAR A. DOOB, ADOLPH SCHIMEL, CHARLES GOLDMAN, MAURICE BERGMAN, MAX SCHLESINGER, GEORGE WELTNER, ROBERT WEITMAN, MAX COHEN, SAM SHAIN, TED O'SHEA, JOHN HICKS, LOUIS DREYFUSS lunched at Nick's Hunting Room at the Astor yesterday.

•

EDDIE SCHWARZ, JAMES CRON, SID WEIL, TESS MICHAEL, CHARLES PAINE, LOUIS J. BARBANO, AL MARKS, HARRY GELL, BENN JACOBSON, MILTON WEISS at the Tavern yesterday for lunch.

Warn on Swindler

A warning is issued by New York police to theatre managers in the metropolitan area that a woman giving the name of Fawn I. Swanson of Williston Park, L. I., has been obtaining money from theatre managers on the pretext of having lost her purse while in their theatres. The residence address given by the woman in each case is a non-existent one, police say.

Newsreel Parade

THE demobilization of part of the French army was given close attention by the newsreels in the new weekend issues. Roosevelt's completion of his tour of American defense bases and Willkie's stream of visitors at Colorado Springs also claimed space, while on the sporting front the famous annual Hambletonian trotting race at Goshen, N. Y., was uniformly covered in the reels, the contents of which follow:

MOVIETONE NEWS, No. 98—Roosevelt visits New England defenses. Willkie host in Colorado to Elliott Roosevelt, Landon and Mary Pickford. South Carolina hurricane. Shrimp fleet blessed in Louisiana. France demobilizes army; Petain discusses agriculture; Churchill tours defenses; Italian prisoners at Alexandria; Canadian reinforcements landed in England. Hat fashions. Lou Lehr with monkey builders. Women's Western Golf Tournament. Hambletonian Trotting Race at Goshen, N. Y.

NEWS OF THE DAY, No. 296—British defy Blitzkrieg. France demobilizes Army. Knox on American preparedness. Roosevelt concludes defense tour. Sheep roundup at Mt. Baker. Zoo in Philadelphia. Bathing Belles of Century. 1940 Hambletonian Trotting Race.

PARAMOUNT NEWS, No. 101—Roosevelt inspects New England defenses. Willkie receives Landon, Hoover, Elliott Roosevelt, Gen. Johnson and Mary Pickford at Colorado Springs. Hurricane kills 35. Ambassador to Belgium arrives here. War Aid Rally in Brooklyn. National Convention of Women's Christian Temperance Union in Chicago. Marshal Petain orders demobilization of French Army. 1939 All-American eleven complete training for All-Star game. Green Bay Packers ready for college stars. Hambletonian Trotting Race.

RKO PATHE NEWS, No. 113—Gale leaves millions in damage. Willkie plays host to headliners. First French troops demobilized. Troops rehearse for battle of Britain. Cudahy says press misquoted him. Japs send Admiral to Philippines. Favorite wins Hambletonian Trotting Race. Summer Opera a hit in Cincinnati. First Army housing project starts.

UNIVERSAL NEWSREEL, No. 902—President Roosevelt concludes tour of defense bases. Ambassador Cudahy home. On War Front: Britain ready on land and Sea; Demobilization of French Army. Hurricane hits South. Blessing Louisiana shrimp fleet. Hair styles. World of Sports: Spencer Scott wins Hambletonian Trotting Race.

Warner Tourney Sept. 12

The Warner Club of New York will hold its annual golf tournament Sept. 12 at the Old Oaks Country Club, Purchase, N. Y. The committee includes Jerry Keyser, chairman; Harold Rodner, Arthur Sachson, Leonard Palumbo and Abe Kronenberg.

RED MEAT... and RARE!

"Rare...revealing. Has the flavor of realism about it. Great!" —DOUGLAS CHURCHILL, Red Book

"The liveliest, freshest and different-est picture of the month. Stimulating is the word for it!" —M. P. DAILY

"THE Great McGINTY"

Lindy's INC.
RESTAURANTS
1626 BROADWAY 1655
(Next to the Rivoli Theatre) (51st Street Corner)
For over 20 years the luncheon and dinner place for Motion Picture People
Sole agents in New York for FAMOUS
BLUM'S ALMONDETTES
from
San Francisco, California

MOTION PICTURE DAILY
(Registered U. S. Patent Office)
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c

Stand of U. S. Seen Killing Decree Chance

(Continued from page 1)

Some legal minds assert that the companies which have assented to the pact must be brought into the case, if i[illegible]mes to trial and thus they will have to bear the burden of carrying on the suit, which they expected to avoid.

The assentors are also exploring the possibilities of the Government's bringing in the question of divorcement when the trial starts, while omitting it from the pact.

This, officials of these companies yesterday, indicated would be inconsistent procedure, although if the Government had insisted upon injecting divorcement into the pact, they would not have assented to the Aug. 3 pact.

Before Jackson's Approval

It is asserted that the Government issued its ultimatum to 20th Century-Fox and Paramount before Attorney General Robert H. Jackson, for the Government, had given his approval to the Aug. 3 draft. The Attorney General's approval is still to be given.

In the meantime, the Government's action has halted Universal, Columbia and United Artists from further canvassing the possibilities of coming under the pact, which they had decided to look into after renewed efforts were made by officials of other companies to bring them in.

Government officials in New York yesterday indicated that the Department of Justice was again making preparation for trial and that it was planned to send Seymour Krieger and Seymour Simon, both special assistants to the Attorney General, to Boston to interview prospective trial witnesses and gather evidence on the situation there.

Paramount Leaves Way Open

While Paramount's views essentially were those of 20th Century-Fox, the company had not submitted any written modifications and had left the way open for further discussion with the Government.

The principal modification which 20th Century-Fox had asked be made in the tentative draft was that the decree shall provide for an absolute and automatic escape clause, in the event that the Government shall be unable, after nine months from the effective date of the decree, to bring Universal, Columbia and United Artists into the pact.

It has been the contention of 20th Century-Fox that the industry cannot be "half slave and half free," and that the provisions of the decree must be such as to apply equally against all in the trade and not just part of the trade.

Twentieth Century-Fox also asked that the language of Section 7 and some other sections be somewhat changed. Section 7 covers discrimination in selling, and it was the stand of 20th Century-Fox that the "complaining theatre" under this provision be a "better theatre" than that against which it makes a complaint.

When conditions of the proposed decree were first made known, independent exhibitors began to show more opposition to the proposals than even the major defendants, according to officials.

The Department of Justice received an extraordinary number of communications protesting against the selling provisions in the decree, and under this pressure, spokesmen assert, the Government decided to hold a hearing for exhibitors. That hearing probably will not be held now, authorities believe.

Ed Kuykendall, president of the M.P.T.O.A., and Max A. Cohen, head of Allied of New York, M.P.T.O.A. affiliate, have been leading the exhibitor discussion on the decree.

National Allied officials, on the other hand, have been very quiet about the decree.

Feature Reviews

"One Crowded Night"

(RKO)

"ONE Crowded Night" is by way of being the "Grand Hotel" of the tourist camps. Almost everyone associated with Autopia Court, the Mojave Desert tourist camp and restaurant which is the scene of the picture, has a past. Almost everyone who stops there during the 12 hours spanned by the story has a past, also. Their pasts, and their futures, catch up with them at Autopia Court.

In the process of telling the stories of each of these, the film introduces sub-plots in rapid but occasionally bewildering succession, and the stage for the climax of each is, of necessity, set so often that coincidence eventually becomes the convenience of the authors.

The day's events at the auto court furnish the exoneration of one man of complicity in a robbery; the killing of another and the capture of a third, actually guilty of the crime for which the first had been imprisoned. Sub-plots bring about the marriage of a woman with a past to her forgiving truck-driver; the re-union with his wife of a husband who has deserted the Navy to search for her; a patent medicine peddler who turns out to be a once-famous physician just in time to deliver a baby; and a reconciliation of two young lovers.

Produced by Cliff Reid and directed by Irving Reis, "One Crowded Night" is replete with action and suspense for all its multitudinous plots. A capable cast, making the most of their material, is headed by Billie Seward, William Haade, Anne Revere, Paul Guilfoyle, Emma Dunn, George Watts, Dick Hogan and Gale Storm.

Running time, 67 minutes. "G."* SHERWIN A. KANE

"Ride, Tenderfoot, Ride"

(Republic)

Gene Autry, Smiley Burnette, June Storey and Mary Lee are together again in a lively Western with a number of hit songs and several sequences which should produce laughs. The music is worked into the plot, without destroying the tempo of the story, by Frank McDonald who directed.

High spots in the humorous interludes are those where Joe Frisco, as a haberdasher, sells Burnette an outfit of city clothes, and another where Mary Lee pretends to be the bride of Autry in order to get free passage on an airplane which is offering a "Honeymoon Special."

Autry inherits a packing company but sells out to Miss Storey's firm. When he learns that she plans to dismiss all the employees he regains possession of the contract and continues the business himself. When a shortage of cattle appears, both companies go out West to obtain contracts from the cattlemen. When Autry finds Miss Storey resorting to feminine wiles to get the contracts, he starts a music show to attract attention. Miss Storey retaliates by putting on a chorus girl show. Mary Lee, as Miss Storey's sister, exposes the unscrupulous tactics of Warren Hull, Miss Storey's fiance, and later "relinquishes" Autry to her sister.

Heard during the film are "Ride, Tenderfoot, Ride." "The Woodpecker Song," "Leanin' on the Ole Top Rail," "Oh! Oh! Oh!" "On the Range," "That Was Me by the Sea," "When the Work's All Done This Fall" and "Eleven More Months and Ten More Days."

Running time, 65 minutes. "G."* EDWARD GREIF

**"G" denotes general classification.*

Pa. Sunday Show Fights Narrowing

PHILADELPHIA, Aug. 15.—The proposed statewide campaign for and against Sunday films promised by the religious forces and theatre interests will narrow down to only seven local option fights, it appears.

The two groups believe that the Sunday film issue will be lost due to the feuding over Presidential candidates and for this reason decided to postpone a number of the county fights, including Philadelphia, until next year or later. The church forces of the State will fight Sunday pictures in only three key cities, Reading, Lockhaven and Easton. The film men, on the other hand, will try to get Sunday films for Harrisburg, Bethlehem, Williamsport and probably Lancaster.

'Pride' Pulls Good $15,800, Philadelphia

PHILADELPHIA, Aug. 15. — There was added activity at the downtown box-offices with the weather more considerate. "Pride and Prejudice" at the Boyd led the field with $15,800. At the Fox, "They Drive By Night" continued strong with $12,500 for a second week and "All This, and Heaven Too," playing a second run at the Keith's, gave the house one of its best grosses of the year with $6,900.

Estimated takings for the week ended August 7-11:

"The Way of All Flesh" (Para.)
"Andy Hardy Meets Debutante" (M-G-M)
ARCADIA—(600) (35c-46c-57c) 3 days, 2nd run, $600; 7 days, 3rd run, $3,200, 10-day average. Gross: $3,800. (Average, $2,600)

"Pride and Prejudice" (M-G-M)
BOYD — (2,400) (35c-41c-46c-57c-68c) 7 days. Gross: $15,800. Average, $13,000)

"When the Daltons Rode" (Univ.)
EARLE—(4,000) (35c-41c-46c-57c-68c) 7 days. Gross: $11,100. (Average, $14,000)

"They Drive By Night" (W. B.)
FOX—(3,000) (35c-41c-46c-57c-68c) 7 days, 2nd week. Gross: $12,500. (Average, $13,000)

"South of Pago Pago" (U. A.)
KARLTON—(1,000) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $3,600. (Average, $3,000)

"All This, And Heaven Too" (W. B.)
KEITH'S—(2,200) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $6,900. (Average, $4,500)

"The Man I Married" (20th-Fox)
STANLEY — (3,700) (35c-41c-46c-57c-68c) 7 days. Gross: $10,200. (Average, $14,000)

"The Man Who Talked Too Much" (W. B.)
STANTON—(1,700) (35c-46c-57c) 7 days. Gross: $4,200. (Average, $4,500)

Coast Independent Group Functioning

(Continued from page 1)

major release, there is a need for some sort of association devoted exclusively to what group members define as "protection and advancement of our interests."

The organization is expected to meet monthly to discuss problems covering all phases of production. Strictly informal in setup, the organization is to have no officers, but merely a presiding chairman. The Producers Association has invited representatives of the group to attend its meetings.

Included in the independents' group are: Daniel O'Shea, Selznick; C. W. Thornton, Small; Barney Briskin, Lesser; Henry Henigson, Globe; William Holman, Capra, chairman; Marvin Ezell, Goldwyn; Clarence Erikson, Wanger; Stanley Kramer, Loew-Lewin; George Bagnall, Korda; Jack Skirball, Lloyd; Sidney Van Buren, Roach. With the completion of his production arrangements, Howard Hughes also is slated to be represented.

Two Companies Formed

ALBANY, Aug. 15.—Two motion picture concerns incorporated here are: Tatra Film Corp., by Kalenik Lissiuk, New Market, N. J., Michael Rodyk, Bayside, L. I., and Michael Sinchak, Monessen, Pa., and Copley Production, Inc., by Gail Buchwalter, Sally Jacobs and Dorothy Weinberger, New York.

Every one of these exhibitors agrees with MOTION PICTURE DAILY that:

"HE STAYE
A SUR
T

Loretta YOUNG and Melvyn DOUGLAS

HE STAYED FOR BREAKFAST

with ALAN MARSHAL • Eugene Pallette • Una O'Connor

Based upon Sidney Howard's adaptation of the French play, "Liberté Provisoire", by Michel Duran • Screen play by P. J. Wolfson, Michael Fessier, Ernest Vajda

Directed by ALEXANDER HALL

Produced by
B. P. SCHULBERG

COLUMBIA PICTURES

FOR BREAKFAST' IS
FIRE CURE FOR THE
UBLED BOX-OFFICE!"*

They've SEEN audiences eat it up
at special previews!

SAM DEMBOW
Paramount Theatres

JOHN HARRIS
Harris-Alvin Theatre, Pittsburgh

I. M. RAPPAPORT
Hippodrome Theatre, Baltimore

ED HINCHEY
Warner Bros. Circuit

EUGENE PICKER
Loew's Theatres, Inc.

FRED MEYERS
R. K. O. Theatres

RODNEY PANTAGES
Pantages Theatre, Hollywood

CHARLES HAYMAN
Lafayette Theatre, Buffalo

BERT JACOCKS, *Warner Bros., Boston* • **HERMAN RIFKIN,** *Rifkin Circuit, Boston* • **LOUIS GORDON,** *Gordon and Lockwood, Boston* • **MAX LEVENSON,** *Levenson Circuit, Boston* • **MIKE BARD, HARRY HOLLANDER,** *Colorado Corp., L. A.* • **MARTIN TOOHEY,** *Pawtucket* **MILTON ARTHUR,** *Cabart Theatres, Los Angeles* • **CHRISTINA ARMOUR,** *Majestic Theatre, Santa Monica* • **JACK BROWER,** *Drive-In Theatres, L. A.* • **BEN PESKAY,** *Peskay Theatres, Los Angeles* • **HERMAN LEWIS,** *Whitson Lewis Circuit, Los Angeles* • **MIKE ROSENBERG,** *Principal Theatres, Los Angeles* • **JENNIE DODGE,** *Mission & Mayfair Theatres, Ventura*

Just a few of the hundreds—MORE ON REQUEST!

***THIS IS TYPICAL OF THE MARVELOUS PRESS COMMENTS**

Hastings Calls RCA Charges 'A Plain Lie'

WASHINGTON, Aug. 15.—Charges that he had paid H. C. Mahaffy, Jr., Wilmington Federal Court clerk, $2,500 to secure a postponement of the Government anti-trust suit against RCA in 1932 today were characterized as "a plain damn lie" by former Sen. Daniel O. Hastings before the Senate Interstate Commerce Committee which is considering the renomination of Thad H. Brown as a member of the FCC.

Hastings admitted his inability to explain clearly the disposition of a $2,500 check given him as a retainer by Roger Whiteford, Washington attorney, but denied it had gone to Mahaffy. Hastings was asked to submit a list of cases tried before Federal Judge Nields of the Wilmington court, together with a list of those won and lost and the number of times Judge Nields had appointed him master or trustee.

Albert Hislop, former mayor of Portsmouth, N. H., denied that any part of a $2,500 check sent to him by Whiteford had been paid over to former Sen. George Moses. Although Hislop could not produce his 1932 records, he said they were destroyed in regular course. The check itself mysteriously disappeared from Whiteford's office.

'Pride' Kansas City Leader at $13,000

KANSAS CITY, Aug. 15.—Big money went to "Pride and Prejudice," which played with "We Who Are Young" for $13,000 at the Midland. Clyde McCoy and His Sugar Blues Orchestra plus "Love, Honor and Oh, Baby!" at the Tower, drew $9,000, one of the best weeks the house has had.

Estimated takings for the week ending Aug. 6-8:

"The Boys from Syracuse" (Univ.)
ESQUIRE—(800) (28c-44c) 7 days. Gross: $2,500. (Average, $2,200)
"Pride and Prejudice" (M-G-M)
"We Who Are Young" (M-G-M)
MIDLAND—(4,000) (28c-44c) 7 days. Gross: $13,000. (Average, $9,000)
"The Great McGinty" (Para.)
NEWMAN—(1,900) (28c-44c) 7 days. Gross: $6,600. (Average, $7,000)
"Love, Honor and Oh Baby! (Univ.)
TOWER—(2,200) (30c) 7 days. Stage: Clyde McCoy & His Sugar Blues Orchestra, with the 3 Bennett Sisters and Wayne Gregg. Gross: $9,000. (Average, $6,000)
"The Boys from Syracuse" (Univ.)
UPTOWN—(2,000) (28c-44c) 7 days. Gross: $3,500. (Average, $3,000)

Union Plans Party

BUFFALO, Aug. 15.—Members of the IATSE, Local 10, will celebrate the organization's 50th anniversary Monday night, at an informal stag dinner in the Terrace Room of the Hotel Statler. Festivities will begin at 11:45 P. M., so that all men can be on hand after night shows.

Frank Williams Dies

MILWAUKEE, Aug. 15.—Frank Williams, 58, who more than 25 years ago managed theatres in Green Bay, Appleton, Marinette, Racine and Calumet, Mich., is dead here. He is survived by his widow.

WMCA PROGRAM TO BRING CHEER TO BRITISH PEOPLE

A program designed to bring cheer to the British people from their American friends will start Monday at 5 P.M. from WMCA and will be short-waved to England through WRUL, Boston. The program, which will be aired Mondays through Fridays, will not be heard locally as it is designed primarily for the British civilian population.

Presented under the auspices of the British-American Ambulance Corps, the initial broadcast will feature Donald Flamm, WMCA president; Raymond Gram Swing, Mutual commentator; William V. C. Ruxton; Mrs. Spaulding Kirkbridge, Corps secretary; Gerald Cook, American representative of the British Broadcasting Corp.; and Walter S. Lemmon, WRUL president.

'Tom Brown' Takes $6,800 in Montreal

MONTREAL, Aug. 15. — "Tom Brown's School Days," topping a double bill, reached $6,800 at the Capitol. "Pride and Prejudice" grossed $7,200 at the Palace. Continued hot weather, with one heavy rain, hurt business.

Estimated takings for the week ending Aug. 9:

"Tom Brown's School Days" (RKO)
"Pop Always Pays" (RKO)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $6,800. (Average, $8,000)
"New Moon" (M-G-M)
LOEW'S—(2,800) (30c-40c-60c) 7 days, 3rd week. Gross: $4,500. (Average, $8,000)
"Our Town" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $2,800. (Average, $5,000)
"Pride and Prejudice" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $7,200. (Average, $9,000)
"Sandy Is a Lady" (Univ.)
"Double Alibi" (Univ.)
PRINCESS—(2,272) (25c-35c-50c-66c) 7 days. Gross: $3,100. (Average, $5,000)

'Syracuse' $7,600 Leads Indianapolis

INDIANAPOLIS, Aug. 15. — Despite continuing hot weather, "The Boys from Syracuse" and "Private Affairs" brought a strong $7,600 for the reopening of the Indiana.

Estimated takings for the week ending Aug. 9:

"Maryland" (20th-Fox)
"Sailor's Lady" (20th-Fox)
CIRCLE—(2,800) (28c-33c-44c) 7 days, 2nd week. Gross: $4,300. (Average, $6,000)
"The Boys from Syracuse" (Univ.)
"Private Affairs" (Univ.)
INDIANA—(3,200) (28c-33c-44c) 7 days. Gross: $7,600. (Average, $5,500)
"Pride and Prejudice" (M-G-M)
"We Who Are Young" (M-G-M)
LOEW'S—(2,800) (28c-33c-44c) 7 days. Gross: $6,000. (Average, $7,000)
"Three Faces West" (Rep.)
LYRIC—(2,000) (28c-33c-44c) 7 days. Stage: "Funzafire" with Benny Meroff and Orchestra. Gross: $9,100. (Average, $8,000)

Pathe Film 6-Month Net Up to $53,722

Pathe Film Corp. reports net profit for the six months ended June 30 last, of $53,722, which compares with a net of $35,310 for the corresponding period of 1939.

Du Pont Film Manufacturing Co., 35 per cent of whose common stock is owned by Pathe Film, had a net profit for the period this year, after all charges, of $909,210, which compares with net profit for the same period last year of $826,412.

The portion of the duPont earnings which accrued to Pathe Film through its stock interest amounted to $318,223 this year, as compared to $289,244 in the 1939 period. Of these earnings, $248,223 were undistributed in 1940 and $219,244 in 1939. These undistributed amounts are not reflected in Pathe's net profit statement.

Ascap Board Meets On Radio Situation

Gene Buck, president of Ascap, and John G. Paine, general manager, at a special meeting of the Ascap board yesterday reported on membership meetings they held recently on the coast. The radio situation is understood to have been discussed, but there was no discussion of the possible selection of a mediator to settle the controversy with the networks, it was said.

Consolidated Dividend

The board of directors of Consolidated Film Industries yesterday declared a dividend of 25 cents a share on the company's preferred stock, payable Oct. 1 to stockholders of record Sept. 13.

Late News Flashes from the Coast

HOLLYWOOD, Aug. 15.—Robert Benchley will have the only "live" role in a feature cartoon, "The Reluctant Dragon," which Walt Disney will make for release next winter, following "Fantasia." The film will have a Disney studio locale, with Benchley playing a visitor lost in the plant.

• •

The Motion Picture Relief Fund board last night voted against a resolution submitted by Henry McIsaac that the Fund should sponsor an unemployment service bureau. The proposal was called beyond the Fund's powers and purposes.

• •

Republic today shelved its "Superman" serial because of restrictions imposed by the copyright owners. "Dr. Satin," in 15 episodes, will be substituted.

• •

Rudolph Ising has been given a long-term contract renewal as M-G-M cartoon producer. The department will be closed Saturday until after Labor Day for plant and equipment changes.

War Plans Delay British Film Pool

LONDON, Aug. 15.—The industry's recently devised scheme for a wartime pool of film talent, technicians and labor is understood to be facing considerable delay as a result of the impending overhauling of the schedule for the socalled "reserve occupations" with respect to military service.

The pool, which was expected to facilitate production and studio operations to a considerable extent, was approved by Minister of Labor Bevin and referred by him to the proper authorities for early action.

Labor groups, despite the probable setback to the plan, however, are hopeful of working out a satisfactory arrangement. The plan aims to establish a joint committee of trade and official representatives to advise on the deferment of the military mobilization of workers essential to the industry. It was intended also to make recommendations on extensions of age classifications in the mobilization of strategic workers in fields associated with the film industry. Technicians and artists included in the pool would be available on an exchange basis to accredited producers.

'Scatterbrain,' Show Get $13,400, Buffalo

BUFFALO, Aug. 15.—"Scatterbrain," aided by "The Crazy Show of 1940" on the stage, gave the Twentieth Century $13,400. "Pride and Prejudice" drew $12,000 at the Buffalo.

Estimated takings for the week ending Aug. 10:

"Pride and Prejudice" (M-G-M)
BUFFALO—(3,489) (35c-40c-60c) 7 days. D'Artega & orchestral ensemble in Hits and Bits, with Adrian Rollini Trio, the Hansonettes, George Breckenridge and the Peerless Quartet. Gross: $12,000. (Average, $12,000)
"All This, and Heaven Too" (W. B.)
GREAT LAKES—(3,000) (35c-55c) 7 days, 2nd week. Gross: $7,000. (Average, $7,500)
"Hell Below" (M-G-M)
"Light of the Western Stars" (Para.)
HIPPODROME—(2,100) (30c-40c) 7 days. Gross: $3,400. (Average, $6,800)
"Scatterbrain" (Rep.)
TWENTIETH CENTURY—(3,000) (30c-35c-50c) 7 days. "Crazy Show of 1940" on stage, Milt Britton & orchestra, Tommy Lafferty, Samuels Bros. and Vivian, Dare & Yates, Maryann McCall, Helen Pammer, Lou Collins and Chubby Silver. Gross: $13,400. (Average, $7,500)
"When the Daltons Rode" (Univ.)
"Ma, He's Making Eyes at Me" (Univ.)
LAFAYETTE—(3,000) (30c-40c) 7 days. Gross: $6,300. (Average, $6,300)

'Drive' Scores Big $14,500, Pittsburgh

PITTSBURGH, Aug. 15. — "They Drive By Night" paced the city despite the heat with $14,500 at the Stanley, and the Disney "Festival" was satisfactory with $4,800 at the Alvin.

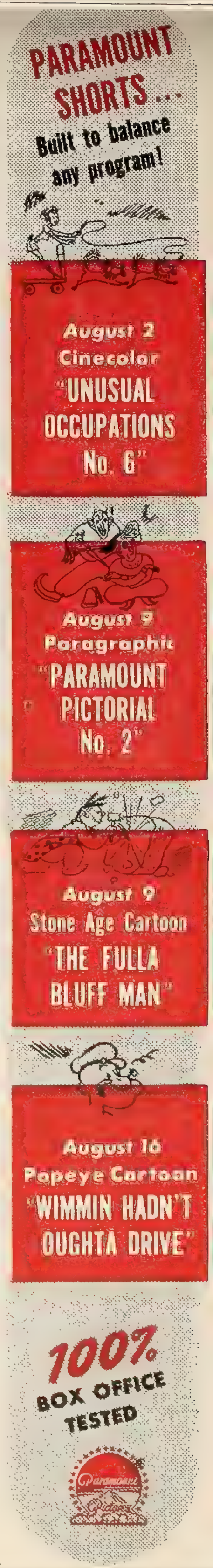
Estimated takings for the week ending Aug. 8:

"Disney Festival" (RKO)
ALVIN—(1,800) (28c-39c-55c) 7 days. Gross: $4,800. (Average, $7,000)
"When the Daltons Rode" (Univ.)
FULTON—(1,700) (28c-44c) 5 days, 2nd week. Gross: $3,000. (Average, 7 days, $5,000)
"South of Pago Pago" (U. A.)
LOEW'S PENN—(3,400) (28c-39c-55c) 7 days. Gross: $9,500. (Average, $13,000)
"Andy Hardy Meets Debutante" (M-G-M)
RITZ—(800) (28c-39c-55c) 7 days, 2nd week. Gross: $3,700. (Average, $4,000)
"They Drive By Night" (W. B.)
STANLEY—(3,600) (28c-39c-55c) 7 days. Gross: $14,500. (Average, $13,000)
"Tom Brown's School Days" (RKO)
"Sporting Blood" (M-G-M)
WARNER—(2,000) (28c-44c) 7 days. Gross: $4,000. (Average, $5,000)

MOTION PICTURE DAILY'S BOOKING CHART

Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
July 19	Military Academy (D) *Tommy Kelly* *Bobby Jordan*	We Who Are Young (D) *Lana Turner* *John Shelton*	Boys of the City (D) *East Side Kids*		Scatterbrain (C) *Judy Canova* *Alan Mowbray*	Tom Brown's School Days (D) *Jimmy Lydon* *F. Bartholomew*	Maryland (D) *Walter Brennan* *Fay Bainter*	South of Pago Pago (D) *V. McLaglen* *Jon Hall*	Black Diamonds (D) *Richard Arlen* *Andy Devine*	My Love Came Back (C) *O. DeHavilland* *J. Lynn*
July 26	Blondie Has Servant Trouble (C) *Singleton-Lake*	Gold Rush Maisie (C) *Ann Sothern* *Lee Bowman*	Haunted House (D) *Marcia Mae Jones* *Jackie Moran*	Untamed (D) *Ray Milland* *P. Morison* *A. Tamiroff*	Girl From God's Country (D) *Morris-Wyatt*	Stage to Chino (O) Millionaires in Prison (D)			You're Not So Tough (D) When the Daltons Rode (O)	Ladies Must Live (D) *R. Lane* *Jeffrey Lynn*
Aug. 2		Pride and Prejudice (C) *Greer Garson* *L. Olivier*	Orphans of the North (D) Rainbow Over the Range (O)	Golden Gloves (D) *Richard Denning* *Robert Paige*	Ranger and the Lady (O) *Roy Rogers*	Queen of Destiny (D) Walt Disney Festival	The Man I Marreid (D) *Joan Bennett* *F. Lederer*		South to Karanga (O) *Chas. Bickford* *James Craig*	They Drive By Night (D) *Ann Sheridan* *H. Bogart*
Aug. 9	The Lady in Question (D) *Brian Aherne*	I Love You Again (D) *William Powell* *Myrna Loy*	Doomed to Die (D)	Mystery Sea Raider (D) *H. Wilcoxon* *Carole Landis*	Sing, Dance Plenty Hot (M) *Johnny Downs* *Ruth Terry*	One Crowded Night (D) *William Haade* *Billy Seward*	Girl From Ave. A (D) *Jane Withers* *C. Aldrich*	Captain Caution (D) *Victor Mature* *Louise Platt*	Boys from Syracuse (M) *Allan Jones* *Martha Raye*	River's End (D) *Dennis Morgan* *Victor Jory*
Aug. 16	The Durango Kid (O) The Secret Seven (D)	Golden Fleecing (D) *Lew Ayres* *Rita Johnson*	Laughing at Danger (D) Range Busters (O)	Comin' Round the Mountain (C) *Burns-Merkel*	Tulsa Kid (O) *Barry-Beery*	Ramparts We Watch (D) Strangler on the Third Floor (D)	Return of Frank James (O) *Henry Fonda* *Jackie Cooper*	Foreign Correspondent (D) *Joel McCrae* *Laraine Day*		Money and the Woman (D) *Jeffrey Lynn* *Brenda Marshall*
Aug. 23	He Stayed for Breakfast (C) *Loretta Young* *Melvyn Douglas*		Missing People (D) Arizona Frontier (O)	The Great McGinty (C) *Brian Donlevy* *Muriel Angelus*	Oklahoma Renegades (O)	Dance, Girl, Dance (D) Wildcat Bus D)	Pier 13 *Lynn Barie* *Lloyd Nolan*			Flowing Gold (D) *Pat O'Brien* *John Garfield*
Aug. 30	Five Little Peppers in Trouble (D) *Edith Fellows*	Boom Town (D) *Clark Gable* *Spencer Tracy*	Queen of the Yukon (D) *Chas. Bickford* *Irene Rich*		Earl of Puddlestone (C)	Lucky Partners (D) *Ginger Rogers* *Ronald Colman*	Young People (D) *Shirley Temple* *Jack Oakie*	Kit Carson (O) *Lynn Bari* *Jon Hall*		Sea Hawk (D) *Errol Flynn* *Brenda Marshall*
Sept. 6	Fugitive From a Prison Camp (D) *Jack Holt* *Marion Marsh*	Dr. Kildare Goes Home (D) *Lew Ayres* *L. Barrymore*	Up in the Air (D) *Frankie Darro*	Rhythm on the River (M) *Bing Crosby* *Mary Martin*	Ride, Tender-foot, Ride (O) *Gene Autry* *Smiley Burnett*	Men Against Sky (D) *Richard Dix* *Kent Taylor*	Chan at Wax Museum (D) *Sidney Toler*		Argentine Nights (M) *Ritz Brothers* *Andrew Sisters*	
Sept. 13	Wizard of Death (D) *Boris Karloff* *Evelyn Keyes*	Bad Man of Wyoming (D) *Wallace Berry* *Leo Carrillo*	Who Is Guilty? (D) *Ben Lyons* *Barbara Blair*			Dreaming Out Loud (C) Wagon Train (O)	Brigham Young (D) *Tyrone Power* *Linda Darnell*		Hired Wife (C) Leather Pushers (D)	
Sept. 20	Howards of Virginia (D) *Cary Grant* *Martha Scott*	Strike Up The Band (M) *Rooney-Garland* *Paul Whiteman*	The Ape (D) *Boris Karloff* Riding the Western Plains (O)	I Want A Divorce (D) *Joan Blondell* *Dick Powell*		I'M Still Alive (D) *Kent Taylor* *Linda Hayes*	Yesterday's Heroes (D) *Sterling-Rogers*	The Westerner (O) *Gary Cooper* *Walter Brennan*	Mummy's Hand (D) Ragtime Cowboy Joe (O) *Brown-O'Day*	
Sept. 27	Before I Die (D) *D. Fairbanks, Jr.* I'm for Rent (D) *Pryor-Louise*	Busman's Honeymoon (D) *R. Montgomery* *C. Cummings*	That Gang of Mine (D) *Gorcey-Jordon*	Rangers of Fortune (O) *MacMurray-Morris*		They Knew What They Wanted (D) Triple Justice (O)	The Great Profile (C) *John Barrymore* *Mary B. Hughes*	Thief of Bagdad (D) *Conrad Veidt* *Sabu*	Spring Parade (M) *Deanna Durbin* *Robert Cummings*	
Oct. 4			Drums of the Desert (D)	The Quarterback (C) *Wayne Morris* *Virginia Dale*		The Villain Still Pursued Her (C) *Herbert-Louise*	Gay Caballero *Cesar Romero* *Robert Sterling*		Diamond Frontier (D) *McLaglen-Nagel*	


PARAMOUNT SHORTS...
Built to balance any program!

August 2
Cinecolor
"UNUSUAL OCCUPATIONS No. 6"

August 9
Paragraphic
"PARAMOUNT PICTORIAL No. 2"

August 9
Stone Age Cartoon
"THE FULLA BLUFF MAN"

August 16
Popeye Cartoon
"WIMMIN HADN'T OUGHTA DRIVE"

100% BOX OFFICE TESTED

From Film Daily, Aug. 15, 1940 →

"Pride" Tops $100,000 In Music Hall Week

M-G-M's "Pride and Prejudice" knocked off several records in its first week at the Music Hall. Having played to some 150,000 patrons, with the seventh day topping the first, the picture joins the small number to gross more than $100,000 for a week at the Hall. Additionally it was the biggest non-holiday attraction for the year and the biggest August grosser in the eight-year history of the house. Second week starts today.

"PRIDE AND PREJUDICE

starring **GREER GARSON, LAURENCE OLIVIER,**
with Mary Boland, Edna May Oliver, Maureen O'Sullivan, Ann Rutherford, Frieda Inescort. Screen Play by Aldous Huxley and Jane Murfin. Directed by ROBERT Z. LEONARD. Produced by HUNT STROMBERG.
An M-G-M Picture

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 35 NEW YORK, U. S. A., MONDAY, AUGUST 19, 1940 TEN CENTS

Bondy Grants $638,000 for RKO Services

Cuts Final Amount from $2,025,000 Asked

Federal Judge William Bondy on Friday ordered the payment of a total of $638,000 and 120,000 shares of common stock of RKO as the final allowances to attorneys and interested parties for services rendered to RKO in the company's reorganization proceedings. The court reduced the total allowed from $2,025,000 and 100,000 shares of stock sought by all petitioners.

The total amount granted is in line with requests of George J. Schaefer, RKO president, and the Securities and Exchange Commission that the applications be drastically reduced.

Cost of the seven-year reorganization, one of the longest on record, will approximate $1,600,000, excluding the payment of more than 200,000 shares of common stock, after distribution of the final allowances ordered by the court. Atlas Corp. is the recipient of all stock payments for services

(*Continued on page* 4)

Milwaukee Houses To Singles Sept. 3

MILWAUKEE, Aug. 18.—All but the White House, Atlas and Fern, independent houses, of this county's 72 theatres, have agreed to revert to single features effective Sept. 3, according to Harry Perlewitz, business manager of the I.T.P.A. of Wisconsin.

An effort will be made before the deadline date to get the hold-out houses to go along with the others, Perlewitz declared. Both Warner and Fox have agreed to make the switch with the independents. According to Perlewitz, if successfully promoted in Milwaukee County, the single feature policy may become general throughout the state.

'U' Studio Bars All Visitors Due to Rush

HOLLYWOOD, Aug. 18.—In the first such move in recent years, Universal has announced a ruling prohibiting all visitors from the studio. The ruling is "in the interests of economy and efficiency," with a number of big pictures shooting and set to start also given as a reason.

Government Makes New 'Big 5' Peace Overtures

Assenting Companies Probably Will Serve As Intermediaries With Other Two; Separate Peace Also Possible

By SAM SHAIN

There have been definite signs over the weekend that another effort is being made to bring about an armistice between the Government and the warring companies on the proposed terms of settlement of the New York anti-trust suit. It was semi-officially indicated that the Department of Justice was ready to soften its attitude and if it can be gracefully accomplished, withdraw its ultimatum of last week to 20th Century-Fox and Paramount, and consider a peace with the "Big 5." The assenting companies, Loew's, Warners and RKO, probably will be the intermediaries in the new peace move with the other two companies.

Spokesmen on all three fronts expressed confidence that an out-of-court peace would still result.

This inconsistent state of affairs and reversal of the trend of the situation is being accepted by all authorities in the matter with matter-of-fact mien.

However, Government spokesmen in New York on Saturday said that negotiations will start tomorrow with Warners, Loew's and RKO toward a "separate peace" with those three. The discussions will revolve about the escape clause and possible changes viewed as necessary by the fact that only three companies may be parties to the decree. The last draft of the escape clause was predicated on participation by five companies. Other parts of the tentative decree also will be re-examined.

Robert Sher and James F. Hayes,

(*Continued on page* 4)

U. S. Firms' English Units Give $64,000

London, Aug. 18. — Representatives of the eight major American film companies here on Tuesday will present to Joseph P. Kennedy, U. S. Ambassador to Great Britain, a check for £16,000 ($64,000).

The money is the contribution of the American industry here to the Red Cross and other relief causes.

Monogram Moves to Coast in 90 Days

All Monogram home office departments with the exception of the foreign sales department will be moved to the Coast within 90 days, it was decided at a special meeting of the company's board on Friday. This will combine the business and production divisions "under one roof."

The move is for purposes of efficiency and economy, officials said. Studio space is being sought in Hollywood in which to house the combined operations, with several locations under consideration, said W. Ray Johnston, president, who was chairman of the meeting.

The board decided to hold the annual stockholders' meeting on Oct. 2. Attending the meeting, in addition to Johnston, were O. Henry Briggs, Trem Carr, Scott R. Dunlap, Thomas P. Loach, J. A. Sisto, Col. T. C. Davis, Steve Broidy of Boston and John Mangham of Atlanta.

'U' Asks Cuts In Profit Tax

WASHINGTON, Aug. 18.—Contending that the motion picture industry will have no profits arising out of national defense business, Universal Pictures yesterday urged changes in the proposed excess profits tax bill which would remedy provisions it now fears would result in overburdening taxation.

In a brief filed with the joint Congressional committee in charge of the tax measure, Universal warned that the film industry, hard hit through the loss of foreign markets, might find it difficult and in some cases impossible to carry on under the tax bill as written.

Among specific changes in the

(*Continued on page* 4)

"The Great Profile"

[20th-Century-Fox]

HOLLYWOOD, Aug. 18.—This, Ladies and Gentlemen of Show Business, is a film for selling, for telling friends about and for laughing with and at, an attraction unique in the annals of the motion picture, the Thespic art and the field of entertainment.

It presents John Barrymore, "the great profile" of the newspaper headlines, as "The Great Profile," a fiction character built to conform in whole and in detail with the personality of John Barrymore as the front pages and the columnists have taught the public to believe it to be. It is as a great actor of the American stage derisive of his art, fond of his cups and bizarre in his romances, that the newspapers have pictured Barrymore, and it is as exactly this that Barrymore plays the part, pouring into it, in a pell-mell performance that never for a mo-

(*Continued on page* 3)

Deny Defense Plea In Crescent Case

NASHVILLE, Aug. 18.—Federal Judge Elmer Davies yesterday overruled two motions of defendants and granted a third in the Federal anti-trust suit against Crescent Amusement Co. and major producers and distributors.

The court denied the defense motion to strike out the following paragraph from the Government's original bill of complaint: "The defendant exhibitors have been able to take over the operation of numerous theatres and keep other theatres closed in said Crescent towns during the past five years by virtue of the control exercised by them over the licensing of

(*Continued on page* 4)

Personal Mention

WILLIAM C. GEHRING, Central division manager for 20th Century-Fox, returned over the weekend from Toronto.

•

M. A. SCHLESINGER and ARTHUR A. LEE arrive on the Coast today.

•

WILL H. HAYS left for the Coast by train over the weekend.

•

TREM CARR and SCOTT R. DUNLAP are en route to the Coast after the Monogram board meeting. Dunlap is stopping in Chicago.

•

H. A. COLE, president of Allied States, will leave New York for Dallas tonight.

•

BEN ADLER of Chicago is attending the Sign Association convention here.

•

GEORGE L. CARRINGTON, Altec general manager, has returned from a month's trip around the country.

•

HAL WALLIS, Warner executive producer, has received a trophy for his feat in hooking marlin swordfish weighing 204 and 250 pounds at Catalina.

•

DAVID LESSER of the M-G-M home office will be married Sept. 1 to HATTIE MAY.

•

FRANK HENSLER, M-G-M Kansas City branch manager, and THOMAS KIRK, Memphis office manager, observed birthdays yesterday.

WOLFE COHEN, Warners' Canadian district manager, is here from Toronto to confer with ROY HAINES, Eastern and Canadian sales manager.

•

HENRY L. NATHANSON, president of Regal Films, Ltd., Canada, was a year older yesterday.

•

E. W. MCCLELLAN of Erpi's foreign department is en route to Iceland to install equipment in two theatres.

•

MRS. BETA ROTHAFEL BIJUR, daughter of the late S. L. "ROXY" ROTHAFEL, is engaged to LAWRENCE H. LEVY, son of former Manhattan Borough President and Mrs. SAMUEL LEVY.

•

HELEN TENDLER of the 20th Century-Fox New Haven exchange was married Saturday to LEIGHTON PLOTKIN.

•

ADOLPH G. JOHNSON and A. ROBBINS of the Strand, Hamden, Conn., have returned from Maine.

•

SIDNEY RECHETNIK of Warners is vacationing at New London, Conn.

U. S. Post to Rockefeller

WASHINGTON, Aug. 18.—Nelson A. Rockefeller, president of Rockefeller Center, Inc., New York, has been appointed by President Roosevelt as coordinator of commercial and cultural relations between the American republics for the Council of National Defense. He will serve without pay.

DAMON RUNYON,
who time after time
has rocked this nation
with laughter, says:
"IF THERE'S A LAUGH IN YOU, 'HE STAYED FOR BREAKFAST' WILL BRING IT OUT!"
A COLUMBIA PICTURE

Readers' Say-So

Should Try Five-Unit Policy

EDITOR, MOTION PICTURE DAILY:

I believe we should have the opportunity of trying the five-unit policy of buying. I think it would eliminate the double bills and act as a stimulant for producing better pictures. True, producers will take advantage of higher rentals but summing it all up only good pictures do business, so with the burden of fill-in features gone one could well afford a slight increase in prices for more toppers.

The arbitration system with a properly selected board would and has in the past proved quite satisfactory.

I have failed to find any clause in my contracts that actually provides for a 20 per cent cancellation; however, I have not yet been denied the 20 per cent privilege. Due to so many clucks produced the past season we found the 20 per cent cancellation did not solve our problem. What we need most of all is a better quality of pictures that would not have to be cancelled account of being poor productions.

C. D. MILLER
Ritz Theatre,
Spokane, Wash.

Decree Is Good and Bad

EDITOR, MOTION PICTURE DAILY:

The (consent) decree has its good and bad points. In the present setup, we have no trouble since we are allowed, in our contracts with producing companies, to reject 25 per cent of the company's product. For example, of 40 pictures last year, we could eliminate 10.

The decree in the field of individual pictures for first run theatres would be a hardship. The first run houses would experience a much higher tariff without contracts. And without the contracts, the producers wouldn't have any idea as to where they stand. They wouldn't know how many exhibitors would use their product, or how much they could spend on productions.

FRED SCHANBERGER
Keith's Theatre,
Baltimore.

Would Like an Open Market

EDITOR, MOTION PICTURE DAILY:

The (consent) decree won't affect Baltimore exhibitors to any great extent since in this city we all have franchises to use the output of various companies and the contracts, in most instances, I believe, run for several years.

However, I personally would like to see an open free market, literally permitting an outright competitive bidding for pictures.

MORRIS MECHANIC
New Theatre,
Baltimore.

Distributor Ads Beneficial

EDITOR, MOTION PICTURE DAILY:

I would like to say that exhibitors generally feel distributor advertising to be most beneficial for the box-office results of motion pictures. I am sure if there has been "chiseling" on the part of exhibitors in cooperative advertising, it has not been the small town exhibitors, rather, I would think it was the first run, large town houses.

LEO F. WOLCOTT
Eldora, Iowa.

Truths—But in Wrong Court

EDITOR, MOTION PICTURE DAILY:

With reference to the Goldwyn article in the July 13th issue of *The Saturday Evening Post*:

My first thought is that there is no question but what Mr. Goldwyn is right when he states that a double feature is at the root of many of the evil conditions existing in this industry today, and that some of the suggestions that he has made could well be followed with profit to all. I am wondering, however, if perhaps Goldwyn is not guilty of causing this industry serious injury when he attempts to criticise and pick to pieces in such a widely read publication as *The Saturday Evening Post,* a business that has been so good to him.

Mr. Goldwyn quoted an oft repeated phrase in his article to the effect that, "there is nothing wrong with this business which good pictures will not cure," a phrase credited to Nick Schenck some years ago. Everyone connected with this business I am sure believes just that, but "believing" is not sufficient; that fact must be *appreciated.* Apparently, however, that appreciation on the part of the producers will not be forthcoming until such time as their pocketbook begins to run dry, and this will soon happen either through legislation or events now taking place.

When Barnum said, "You can't fool all the people all of the time," he was talking about show business. With a weekly theatre attendance of somewhere in excess of 85 million people. it comes pretty close to being all of the people. I think most of the people in this business will concede that the past year, the quality of product has reached a new low for recent years. and what is this but an effort to fool the people? The result then seems obvious; and the climax of this little drama is fast approaching.

There is no question in my mind but what Goldwyn has stated a lot of truths, but I am sure in my own mind that he has stated them in the wrong court. Perhaps a "Better Business Bureau" technique *sincerely* applied to this industry would be the answer, but I wouldn't know, I'm just an exhibitor.

JOHN WRIGHT, Manager
Sheldon Mem. Auditorium,
Red Wing, Minn.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c

Must Have 'It!'

NEW HAVEN, Aug. 18.—Harry F. Shaw, Loew-Poli division manager here, who is in great demand as an M. C., officiated at the Globe, Bridgeport swing contest last Monday night; at the final bathing beauty contest at the Poli, Springfield, Tuesday night; New Haven Police Field Day Wednesday; final bathing beauty contest at the Bijou, New Haven, Thursday. Friday and Saturday he hardly knew what to do.

Richey Joins M-G-M As Trade Contact

Henderson M. Richey, for the last one and a half years director of exhibitor relations for RKO, has resigned and will join M-G-M early in September in a similar capacity.

Richey will be a member of the executive staff and will assist William F. Rodgers, general sales manager, in exhibitor and trade relations, spending much time in the field in direct contact with exhibitor problems.

Rodgers said that the appointment "was in line with M-G-M's policy to maintain the closest possible contact and relationship with its customers."

Richey came to RKO after a decade in the exhibitor organization field, during which he was a leader in Allied. He was general manager of Allied Theatres of Michigan from 1931 to 1938, and then became associated with Cooperative Theatres of Michigan.

Grainger to Coast For Sales Meeting

James R. Grainger, president of Republic, left over the weekend for an extended trip to the Coast, with stopovers at Pittsburgh, St. Louis, New Orleans, Dallas, Oklahoma City and Los Angeles.

Grainger will preside at a Western regional sales meeting at the studio Aug. 29. He will then visit San Francisco and Chicago, and is expected back at the home office about Sept. 15.

Attending the Western meeting will be studio executives, J. T. Sheffield, Northwestern franchise holder, and the following branch managers: Edward Walton, Seattle; J. H. Sheffield, Portland; Gene Gerbase, Denver; G. S. Pinnell, Salt Lake City; E. M. Loy, Butte; Francis Bateman, Los Angeles; Sid Wisbaum, San Francisco.

Ask Governors to 'Carson' Opening

DENVER, Aug. 18.—The governors of Colorado, New Mexico, Utah and Wyoming have been invited to a luncheon here Aug. 26 as part of the celebration for the world premiere of "Kit Carson," Edward Small film to be released by United Artists.

The luncheon will be given for a delegation of Hollywood players. Following the premiere there will be a motion picture ball, at which Gov. Ralph Carr of Colorado and Mayor Stapleton of Denver will be hosts.

"The Great Profile"

[20th-Century-Fox]

(Continued from page 1)

ment spares his subject, the whole of that art which made him the great actor he was and is.

Nothing quite like this has come to the screen until now. No actor but Barrymore could have dared burlesque Barrymore as Barrymore does; any other would have been subject to libel action and, in all likelihood, to excoriation from that large public which reveres the memory of the Barrymore that was "Hamlet" on the stage, "Beau Brummel" on the screen. Neither could any other actor have made this story, adapted directly from Barrymore's recently headlined experiences, stand up as entertainment. It is, despite other worthwhile performances in it, a solo entertainment with "the great profile" furnishing the amusement, subject matter and title.

Milton Sperling and Hilary Lynn are credited with the screen play, which opens in the Hollywood home of Barrymore, missing at the moment and for four days previously, who stumbles in, drunk, with no knowledge of where he's been, and full of dramatics. His manager, enacted in as headlong manner and almost as entertainingly by Gregory Ratoff, informs him that the studio has fired him for holding up production of "Macbeth," and his wife, former acrobat turned actress, leaves him. Anne Baxter, playing a girl playwright, crashes the home with a play written for the actor and he, learning she has a fiance with money ready to back its production, seizes the opportunity to get back into show business. The show opens in Chicago and from that point on everything that might be expected to happen in a story patterned after recent Barrymore precedent does.

Others in the cast are John Payne, Mary Beth Hughes, Lionel Atwill, Edward Brophy, Willie Fung and Joan Valerie, to mention a few of many. Raymond Griffith served Darryl F. Zanuck as associate producer and Walter Lang directed.

Running time, 78 minutes. "G."* ROSCOE WILLIAMS

---

*"G" denotes general classification.

Theatre Firm Formed

ALBANY, Aug. 18.—The Wexgold Amusement Corp., formed in the Bronx, has been licensed here. Directors are Abraham Wexler, Hyman Emerson, and Charles A. Goldreyer, New York.

Yates at Coast Studio

HOLLYWOOD, Aug. 18.—H. J. Yates arrived at the Republic studio over the weekend for a three-weeks' stay.

Seven Towns in Pa. Seek Sunday Films

SHAMOKIN, Pa., Aug. 18.—Petitions have been circulated here and in Mt. Carmel asking that the Northumberland County Commissioners place the question of Sunday films on the ballot in November. Neither town has Sunday shows at present.

Other towns seeking a vote are Weatherly, Hazleton, Kingston, Mauch Chunk and White Haven.

Canadian Trade Sets War Group to Aid Government

TORONTO, Aug. 18.—The Canadian Picture Pioneers, of which Clair Hague is president, has sponsored the establishment of the Canadian Motion Picture Industry's War Service Committee for the organizing of all branches of the business in the Dominion to cooperate with the Government in war work and charities.

The committee is considering ways and means of accepting refugee children of film people in Great Britain and to provide for their maintenance, including housing, while in the Dominion. Canadian executives already have been in touch with a British evacuation committee comprising S. W. Smith, Major Andrew Holt, who is a former Canadian; Ernest Freedman, Arthur Jarrett and N. L. Nathanson of Toronto, who is representing the Canadian industry.

Offers to accommodate children of British screen stars and executives have already been made by O. R. Hanson, whose permanent residence is at Cooksville, Ont., and Paul Nathanson, son of N. L. Nathanson, who has arranged facilities at his recently purchased farm near Toronto.

The Canadian Picture Pioneers is considering plans for Canadian tours of Hollywood and British stars to raise funds for the Red Cross and otherwise; the presentation of plays and vaudeville shows, and the staging of a rodeo late in September featuring Gene Autry at the Circle M Ranch, near Toronto, which is owned by Charles Mavety.

The members of the Canadian committee include Clair Hague, J. J. Fitzgibbons, O. R. Hanson, H. M. Masters, L. M. Devaney, J. P. O'Loghlin, Louis Rosenfeld, Col. Cooper, Ray Lewis, N. A. Taylor and Harry Alexander, the last two named being representatives of the organized independents. Branches have been set up in Montreal, St. John, Winnipeg, Calgary and Vancouver.

British Attack Inaccurate Reports Here

The British Consul General in New York has disclosed the text of the cable he has received from British producers protesting a statement recently published elsewhere in New York that English production has ceased. MOTION PICTURE DAILY on Friday published a cable from London regarding this refutation, in which British producers asserted that they are carrying on for the duration of the war.

Text of the protest received by the British Consul follows: "The undersigned British producers, carrying on production for the duration, and anxious to make films projecting at this time a purely British point of view for home and neutral consumption would like to call your attention to harmful and irresponsible statements issued by British subjects in America to the American press.

> **"(The statements) inaccurately state that British production has stopped, when in fact every effort is being made to harness films furthering the general national effort. The statements also are damaging to Anglo-American film trade relations at a time when America is showing an interest in our films."**

The protest cable was signed by Associated Talking Pictures, Associated British Pictures Corp., British Lion Film Corp., British National Films Service and Ealing Studio, Alexander Korda Productions and Gaumont British Pictures Corp.

Dies to Call Coast Talent to Hearings

LOS ANGELES, Aug. 18.—All of the actors, actresses, writers and directors who have been charged with being Communists, sympathizers or contributors to the movement will be called before the Dies Committee and either cleared of the charges or found guilty, said Representative Dies, chairman of the committee, which is holding hearings here on subversive activities in Southern California. Meanwhile, a number of those charged with Communism in testimony given the Los Angeles County Grand Jury have issued flat denials.

Legion Approves 6 Of Seven New Films

Six of seven new films have been approved by the National Legion of Decency for the current week, three for general patronage and three for adults. One was condemned. The new films and their classifications follow.

Class A-1, Unobjectionable for General Patronage—"Golden Fleecing," "Rhythm on the River," "The Secret Seven." Class A-2, Unobjectionable for Adults—"Boom Town," "One Crowded Night," "The Return of Frank James." Class C, Condemned—"Sinful Daughters."

U.S. Makes New Overtures for 'Big 5' Peace

(*Continued from page* 1)

assistants to the Attorney General, will represent the Government in the conferences with the three companies.

Sidney R. Kent, president of 20th Century-Fox, is expected back in the city today. He will be leaving for Salt Lake City and the premiere of "Brigham Young," which will be held in the Utah city on Friday. While Kent is in town, counsel for the assenting companies are expected to communicate with him or his representatives with regard to "talking things over with the Government."

Conferences Held Friday

Special Assistant Attorney General Robert Sher was in the city Friday and he is reported to have conferred with officials of the assenting firms. Reports of a possible reversal of its ultimatum by the Government followed these conferences.

Until today, there has been no indication that 20th Century-Fox will do anything but fight it out along the lines of Sidney R. Kent's alternative terms of peace. Also, up to today there has been no change reported in the attitude of Paramount, whose position on the proposed decree parallels that of 20th Century-Fox.

From Washington, it was learned, no reply has been received at the Department of Justice to the notification to 20th Century-Fox and by inference, to Paramount, that their proposed decree modifications of the Aug. 3 had been rejected.

20th-Fox Status the Same

Department of Justice officials in the Capital, stated the other day that nothing has transpired with respect to the consent decree since the 20th Century-Fox proposals were turned down and with Paramount was warned to join in accepting that decree to which RKO, Warner Bros. and M-G-M already had agreed to, or to stand trial in October.

In Washington, spokesmen stated that Assistant Attorney General Thurman Arnold conferred on the situation with Special Assistant Attorney General James Hayes and Special Assistant Attorney General Robert Wright. Arnold is described by officials as wishing to dispose of the case quickly and definitely.

Sue to Reestablish Union in Hollywood

LOS ANGELES, Aug. 18.—Asking $2,500 each for 10 petitioners, an application is on file in Superior Court by George H. Davis and nine other members of Local 37 seeking to compel the I.A.T.S.E. to re-establish the local, dissolved in last year's fight with the Studio Technicians Guild.

The petition quotes an apology to William Bioff, former Hollywood IA leader, which they allege they were asked to sign.

Critics' Quotes . . .

"I LOVE YOU AGAIN" (M-G-M)

William Powell and Myrna Loy have lost none of their skill in provoking laughter . . . A witty and inventive plot . . . Recommended as well-nigh ideal diversion for hot-weather theatre-going.—*Gilbert Kanour, Baltimore Evening Sun.*

A hilarious story . . . Powell and Miss Loy make the best of many funny scenes.—*Baltimore Morning Sun.*

A screwball comedy . . . It has a lot of comedy and you'll get your money's worth . . . Frank McHugh is an immense help.—*Ollie Wood, Philadelphia Public Ledger.*

The audience howled at the picture from start to finish. Which was almost a pity—we missed some of the gag lines . . . M-G-M has a sure-fire combination here . . . The result is perhaps the funniest film this Summer.—*Elsie Finn, Philadelphia Record.*

Absolutely anything goes in "I Love You Again," as crazy a comedy as ever came out of Hollywood . . . The film is Powell's from start to finish . . . Continuously entertaining.—*Mildred Martin, Philadelphia Inquirer.*

Too ridiculous for words, but "I Love You Again" is extremely funny. You may feel silly for laughing but laugh you must . . . Made to order roles for the smooth Powell-Loy combination and they make the most of them.—*Laura Lee, Philadelphia Bulletin.*

One of the season's most diverting comedies.—*Newsweek.*

"THE GREAT McGINTY" (Paramount)

If ever one came along to jolt the snoozers right out of their seats it is "The Great McGinty." . . . Here is a picture which really captures the rowdy spirit of corrupt politics . . . It is good satiric fun . . . Written and directed with a coarse and racy wit . . . You won't make a mistake if you stuff the ballot-box for "The Great McGinty."—*Bosley Crowther, New York Times.*

An immensely entertaining screen fable . . . It literally lifts itself by its bootstraps into the upper brackets of photoplay production . . . The script of Preston Sturges is full of deft dialogue and striking situations . . . This is a screen exhibit which will amply repay your attendance.—*Howard Barnes, New York Herald Tribune.*

To date, "The Great McGinty" is 1940's No. 1 "sleeper." . . . A whale of a good picture.—*Kenneth McCaleb, New York Mirror.*

Preston Sturges has turned out, on an obviously modest budget, one of the liveliest and most entertaining pictures of the new season . . . It is hilarious comedy whenever Brian Donlevy and Akim Tamiroff confront each other . . . Sturges has accomplished a fine job of direction on his cleverly written story and he has received splendid aid from his cast.—*Kate Cameron, New York Daily News.*

Deny Defense Plea In Crescent Case

(*Continued from page* 1)

feature pictures for exhibition in said towns as hereinafter alleged."

A second defense motion that portions of the Government's bill of particulars filed several months ago be stricken out was denied by the court also. The third defense motion, which was granted by Judge Davies, was for an order directing the Government to supply any information it may obtain that would complete its bill of particulars.

Disposal of the defense motions clears the way for the preparation by defendants of their answers to the Government's complaint. The answers will be due in 30 days after the entering of the orders on the motions.

Schine Defense Answers Filed

BUFFALO, Aug. 18.—Defense answers, comprising general denials of the Government's allegations of violations of the anti-trust laws, were filed in U. S. District court here yesterday in the case against the Schine circuit and major producers and distributors.

Johnson to Do 'Road'

HOLLYWOOD, Aug. 18.—Nunnally Johnson who wrote and produced "Grapes of Wrath" for 20th Century-Fox, will act in the same dual capacity on "Tobacco Road."

'U' Asks Changes In Profits Tax Bill

(*Continued from page* 1)

measure recommended by Universal were that a credit of 33⅓ per cent of the excess profits tax be given to corporations which are not benefited by defense activities; that whatever rate of return on invested capital is allowed be applied to both old and new investment, and that a corporation be permitted to select the years which are to be used as a basis for determining the earnings base of the company.

To explain its position, Universal pointed out that it had a profit for 1939 of $1,153,321, the first profit in five years and only the second in eight, and should its business continue at the 1939 level it would be required to pay in income and excess profit taxes the sum of $462,600, or 40.2 per cent of the total profits of the company.

House Committee Alters Earnings Clause

WASHINGTON, Aug. 18.—Changes in the method of computing average corporation earnings under the excess profits tax bill were made late Friday by the House Ways and Means Committee. The changes provide that corporations would be required to compute average earnings over the base period 1936 to 1939, inclusive, by dividing the four-year period into the total amount of earnings.

Bondy Grants $638,000 for RKO Services

(*Continued from page* 1)

as proponent of the plan and underwriter of a new stock issue.

Atlas will receive 120,000 shares [illegible] common stock and $190,516 disbursements as its total compensation, under Judge Bondy's decision. The ruling reduced the request of Atlas for a total of $875,037 in expenses to $170,000 for payments to Simpson, Thacher & Bartlett, attorneys, and $20,516 allowed to cover expenses listed as $200,000.

Substantial awards were also made to the Irving Trust Co., as trustee of RKO, and William J. Donovan, trustee's attorney. The trustee, seeking $95,000, received $80,000, and Donovan, who asked for $195,000, was awarded $80,000 for ordinary services and $87,500 for representing RKO in the Government anti-trust suit.

The request of Lehman Brothers for $76,772 for services as a participant with Atlas in proposing a plan of reorganization was disallowed.

Judge Bondy also disallowed the petition of Kommel & Rosenberg, attorneys who appealed the court decision approving the plan. Petitions of Florence Sullivan for $64,500 and of Ernest W. Stirn, holder of Class A stock, and five of his attorneys for a total of $97,788 were also disallowed.

Judge Bondy disposed of other applications as follows:

The Chemical Bank & Trust Co., trustee of 6 per cent gold note indentures; asked $39,092; granted $20,914.

Wright, Gordon, Zachry & Parlin, attorneys for Chemical Bank & Trust; asked $25,000; granted $10,000.

Neil P. Cullom, attorney for the U. S. National Bank of Denver; asked $1,500; granted $500.

Central Hanover Bank & Trust Co., trustee of 10-year gold indentures; asked $16,391; granted $10,141.

Larkin, Rathbone & Perry, attorneys for Central Hanover Bank; asked $12,507; granted $7,500.

City Bank Farmers Trust Co., trustee of extended 6 per cent gold note indentures; asked $1,900; granted $1,900.

Delafield, Marsh, Porter & Hope, attorneys for City Bank; asked $1,604; granted $1,200.

J. & W. Seligman & Co., depositary under an agreement with RKO; asked $8,750; granted $7,500.

Stockholders Protective Committee (Eberstadt Committee); asked $36,500 allowance and $50,000 expenses; granted $4,750 allowance, $49,825 expenses.

Sullivan & Cromwell, attorneys for Eberstadt Committee; asked $20,000; granted $6,000.

Independent Protective Committee of Common Stockholders; asked $10,725; granted $2,250.

George L. Schein, attorney for Independent Committee; asked $101,404; granted $9,325.

Gottheimer & Bercu, accountants for Independent Committee; asked $30,000; granted, $2,000.

Unsecured Creditors Committee; asked $10,000; granted $4,272.

White & Case, attorneys for Unsecured Creditors Committee; asked $35,526; granted $22,953.

Debenture Holders Protective Committee; asked $24,500 allowance and $9,363 expenses; granted $7,000 allowance and $9,295 expenses.

Chadbourne, Hunt, Jaeckl & Brown, attorneys for Debenture Holders Committee; asked $50,791; granted $28,220.

John S. Stover, attorney for Ernest W. Stirn, an appellant from Judge Bondy's decision, asked $118,225; granted $3,000.

Abraham K. Weber, attorney for George Sardau, stockholder, asked $2,500; granted $300.

Price, Waterhouse & Co., accountants, asked $4,800; granted $4,800.

GO!
ROXY
RADIO CITY

GO with UNIVERSAL FOR 1940-1941!

GO with DEFINITE pictures—

GO with DEFINITE release dates, from September 6th to December 27th—to start the season!

GO with the GREATEST LINE-UP of ATTRACTIONS ever READY FOR YOU ...in the history of Universal!

—the list begins here ...

GO WITH UNIVER

For Release SEPT. 6

ARGENTINE NIGHTS

starring

THE RITZ BROTHERS
and THE ANDREWS SISTERS

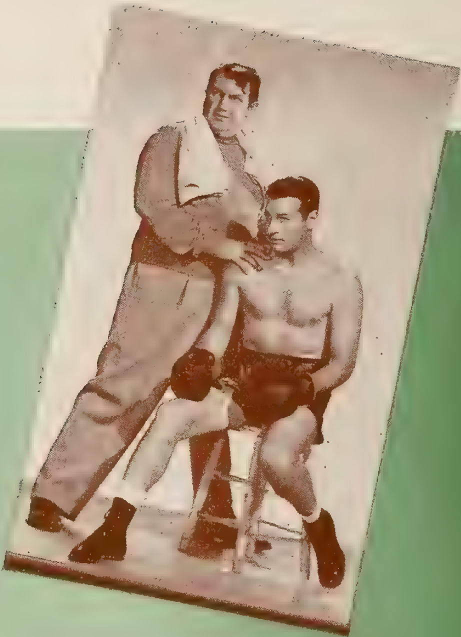
with

Constance Moore · George Reeves · Peggy Moran
Anne Nagel · Kathryn Adams · Julie Duncan

Screenplay by ARTHUR T. HORMAN, RAY GOLDEN and SID KULLER
Original story by J. Robert Bren and Gladys Atwater

Directed by
ALBERT S. ROGELL
Asso. Producer
KEN GOLDSMITH

For Release SEPT. 13



RICHARD ANDY
ARLEN · DEVINE

in

THE LEATHER PUSHERS

with

ASTRID ALLWYN · HORACE MacMAHON
SHEMP HOWARD · DOUGLAS FOWLEY · EDDIE GRIBBON

Directed by JOHN RAWLINS • Associate Producer, BEN PIVAR
Screenplay by Larry Rhine . . . Ben Chapman . . . Maxwell Shane.

For Release SEPT. 20

JOHNNY MACK BROWN

in RAGTIME COWBOY JOE

SAL FOR 1940-194

For Release SEPT. 13

Rosalind **RUSSELL** · *Brian* **AHERNE**

VIRGINIA BRUCE in

HIRED WIFE

with

ROBERT **BENCHLEY** · JOHN **CARROLL**

HOBART CAVANAUGH · RICHARD LANE

Asso. Producer
GLENN TRYON

Produced and Directed by
WILLIAM A. SEITER

Screenplay by
RICHARD CONNELL
& GLADYS LEHMAN
Based on original story
by George Beck

For Release SEPT. 20

THE MUMMY'S HAND

with

DICK FORAN · PEGGY MORAN · WALLACE FORD
CECIL KELLAWAY · EDUARDO CIANNELLI
GEORGE ZUCCO · TOM TYLER

Original Story by Griffin Jay · Screenplay by Griffin Jay and Maxwell Shane

Directed by
CHRISTY CABANNE
Associate Producer
BEN PIVAR

with **FUZZY KNIGHT, NELL O'DAY**
and **THE TEXAS RANGERS**

Original Screenplay by Sherman Lowe · *Directed by* RAY TAYLOR

GO WITH UNIVER

For Release SEPT. 27

Deanna DURBIN

in

Spring Parade

with

ROBERT CUMMINGS · MISCHA AUER

Butch and Buddy · Henry Stephenson · Anne Gwynne · Walter Catlett
S. Z. Sakall · Samuel S. Hinds · Allyn Joslyn · Reginald Denny

Original Story by Ernst Marischka · Screenplay by Bruce Manning and Felix Jackson
MUSIC BY ROBERT STOLZ
LYRICS BY GUS KAHN
A HENRY KOSTER PRODUCTION

Directed by
HENRY KOSTER
Produced by
JOE PASTERNAK

For Release OCT. 4

VICTOR McLAGLEN

in

DIAMOND FRONTIER

with

John Loder · Anne Nagel · Philip Dorn · Cecil Kellaway

Original Screenplay by Edmund L. Hartmann and Stanley Rubin

Directed by **HAROLD SCHUSTER** · Associate Producer **MARSHALL GRANT**

For Release OCT. 1

DEAD END KIDS
and
Little Tough Guys

in

JUNIOR

SERIAL EXTRAORDINARY!!

SAL FOR 1940-1941

For Release OCT. 11

MARLENE DIETRICH

in **Tropical Sinners**

(TENTATIVE TITLE)

with **JOHN WAYNE**

ALBERT DEKKER • BRODERICK CRAWFORD • MISCHA AUER
BILLY GILBERT • ANNA LEE • RICHARD CARLE
and OSCAR HOMOLKA

Produced by **JOE PASTERNAK** Directed by **Tay Garnett**

A JOE PASTERNAK PRODUCTION

For Release OCT. 18

HUGH HERBERT

in

Slightly Tempted

with

PEGGY MORAN • JOHNNY DOWNS
GERTRUDE MICHAEL • GEORGE E. STONE • ELISABETH RISDON

Screenplay by Arthur T. Horman *Original story by Max Marcin and Manuel Seff*

Directed by LEW LANDERS • Associate Producer, Ken Goldsmith

G-MEN

with Billy HALLOP • Huntz HALL • Gabriel DELL
Bernard PUNSLY • Harris BERGER • Kenneth HOWELL

Original Screenplay by GEORGE H. PLYMPTON • BASIL DICKEY

Directed by FORD BEEBE and JOHN RAWLINS Asso. Producer HENRY MACRAE

12 EPISODES

GO WITH UNIVER

For Release **OCT. 25**

A LITTLE BIT of HEAVEN

starring **Gloria Jean** *with*

ROBERT STACK • HUGH HERBERT
C. AUBREY SMITH • STUART ERWIN
NAN GREY • EUGENE PALLETTE
BUTCH & BUDDY • BILLY GILBERT

DIRECTED by ANDREW MARTON

A
JOE PASTERNAK
PRODUCTION

For Release **NOV. 1**

RICHARD ARLEN • ANDY DEVINE

in

SOUTH OF SUMATRA

(TENTATIVE TITLE)

with **JEANNE KELLY • JAMES FLAVIN • FRANCIS McDONALD • MALA**

An Original Screenplay by Paul Huston

Associate Producer BEN PIVAR • Directed by Christy Cabanne

For Release **NOV. 8**

JOHNNY MACK BROWN

Original story and screenplay by Sam Robins **Directed by Ray Taylor**

SAL FOR 1940-1941

For Release **NOV. 1**

I'M NOBODY'S SWEETHEART NOW

with

DENNIS O'KEEFE · CONSTANCE MOORE
HELEN PARRISH · LEWIS HOWARD
Laura Hope Crews · Berton Churchill · Samuel S. Hinds · Margaret Hamilton
Original Story by W. SCOTT DARLING and ERNA LAZARUS
Screenplay by W. SCOTT DARLING, ERNA LAZARUS, HAL BLOCK
Directed by ARTHUR LUBIN • Associate Producer, JOSEPH G. SANFORD

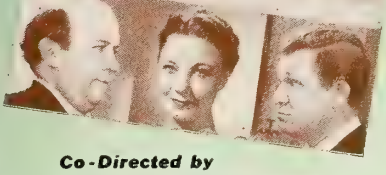
For Release **NOV. 8**

"Baby" SANDY

in

FIREMAN SAVE MY CHILD!

(TENTATIVE TITLE)



with

STUART ERWIN · UNA MERKEL · WILLIAM FRAWLEY
EDGAR KENNEDY · EDWARD BROPHY · WALLY VERNON
Original Screenplay by Jane Storm and Sy Bartlett

Co-Directed by
OTIS GARRETT and
PAUL GERARD SMITH
•
Asso. Producer
BURT KELLY

in PONY POST

with **FUZZY KNIGHT • NELL O'DAY**

For Release NOV. 15

Caribbean Nights

(TENTATIVE TITLE)

with

ALLAN JONES · VIRGINIA BRUCE

Bud Abbott & Lou Costello

(famed stage and radio comedians)

Robert Cummings · Leo Carrillo

Based on "LOVE INSURANCE" by EARL DERR BIGGERS

Directed by

A. Edward Sutherland

Associate Producer
Leonard Spigelgass

For Release NOV. 22

Meet the Wildcat

(TENTATIVE TITLE)

with

Ralph Bellamy • Margaret Lindsay

Joseph Schildkraut • Allen Jenkins

Jerome Cowan

Directed by ARTHUR LUBIN

Associate Producer Joseph G. Sanford

For Release NOV. 29

BACK STREET

starring

JOAN FONTAINE

From the novel by

FANNIE HURST

Screenplay by George O'Neill

Directed by
ROBERT STEVENSON

Asso. Producer Leonard Spigelgass

For Release DEC. 6

MARGIE

with

MISCHA AUER · NAN GREY
TOM BROWN · EDGAR KENNEDY
ALLEN JENKINS · EDDIE QUILLAN
WALLY VERNON · JOY HODGES

Screenplay by Erna Lazarus, W. Scott Darling, Paul Gerard Smith

Original Story by Erna Lazarus and W. Scott Darling

Directed by
OTIS GARRETT and
PAUL GERARD SMITH

Associate Producer
JOSEPH G. SANFORD

GO WITH UNIVER

For Release DEC. 13

THE INVISIBLE WOMAN

Associate Producer
BURT KELLY

Original story by Joe May and Kurt Siodmak
Screenplay by Kurt Siodmak, Robert Lees and Fred Rinaldo

For Release DEC. 20

STREETS of CAIRO

starring **Sigrid Gurie**

For Release DEC. 24

The GREEN HORNET STRIKES AGAIN

with

Warren Hull • Wade Boteler
(As BRITT REID) *(As MICHAEL AXFORD)*

Keye Luke • Anne Nagel • James Seay
(As KATO) *(As MISS CASE)*

Directed by FORD BEEBE and JOHN RAWLINS

ASSOCIATE PRODUCER HENRY MAC RAE

Based on the radio dramatic adventure serial of the same name, owned and copyrighted by Green Hornet, Inc.

15
EPISODES
In the Year's Outstanding SERIAL

For Release DEC. 27

W. C. FIELDS

in

The Bank Dick

Directed by EDWARD CLINE

*Here's your complete list!**

READY AND WAITING FOR YOUR DATES!

SEPT. 6—"ARGENTINE NIGHTS"
Ritz Brothers . . . Andrews Sisters

SEPT. 13—"HIRED WIFE"
Rosalind Russell . . . Brian Aherne . . . Virginia Bruce . . . Robt. Benchley . . . John Carroll

SEPT. 13—"The LEATHER PUSHERS"
Richard Arlen . . . Andy Devine

SEPT. 20—"THE MUMMY'S HAND"
Dick Foran . . . Peggy Moran . . . Wallace Ford

SEPT. 20—"RAGTIME COWBOY JOE"
Johnny Mack Brown . . . Fuzzy Knight

SEPT. 27—"SPRING PARADE"
Deanna Durbin . . . Robt. Cummings
Mischa Auer . . . Butch and Buddy

OCT. 1—"JUNIOR G-MEN" (Serial)
Dead End Kids & Little Tough Guys

OCT. 4—"DIAMOND FRONTIER"
Victor McLaglen . . . John Loder

OCT. 11—"TROPICAL SINNERS"
Marlene Dietrich . . . John Wayne

OCT. 18—"SLIGHTLY TEMPTED"
Hugh Herbert . . . Peggy Moran

OCT. 25—"LITTLE BIT OF HEAVEN"
Gloria Jean . . . Robert Stack . . . Hugh Herbert

NOV. 1—"I'M NOBODY'S SWEETHEART NOW"
Dennis O'Keefe . . . Constance Moore
Helen Parrish

NOV. 1—"SOUTH OF SUMATRA"
Richard Arlen . . . Andy Devine

NOV. 8—"FIREMAN, SAVE MY CHILD"
Baby Sandy . . . Stuart Erwin . . . Una Merkel

NOV. 8—"PONY POST"
Johnny Mack Brown . . . Fuzzy Knight

NOV. 15—"CARIBBEAN NIGHTS
Allan Jones . . . Virginia Bruce
Bud Abbott & Lou Costello

NOV. 22—"MEET THE WILDCAT"
Ralph Bellamy . . . Margaret Lindsay

NOV. 29—"BACK STREET"
Joan Fontaine

DEC. 6—"MARGIE"
Mischa Auer . . . Nan Grey . . . Tom Brown

DEC. 13—"THE INVISIBLE WOMAN"

DEC. 20—"STREETS OF CAIRO"
Sigrid Gurie

DEC. 24—"THE GREEN HORNET STRIKES AGAIN" (Serial)
Warren Hull . . . Wade Boteler
Keye Luke . . . Anne Nagel

DEC. 27—"THE BANK DICK"
W. C. Fields

GO WITH UNIVERSAL!

* Keep This List Handy for Reference!

Showmanship Flashes . . .

Elaborate Promotion Book Out on 'Howards'

Columbia has prepared an elaborate and attractive promotional piece on "The Howards of Virginia." Bound in hard covers, covered in a deep red plush, the book is rectangular in shape, and is prefaced with a facsimile reproduction of the Declaration of Independence. Within is a series of photographs of the leading players and scenes from the dramatization of "The Tree of Liberty" by Elizabeth Page.

Auction 'Pride' Copy To Benefit Red Cross

COLUMBUS, Aug. 18.—A volume of "Pride and Prejudice," autographed by Greer Garson of the cast will be auctioned to the highest bidder in the lobby of Loew's Ohio during the current run of the film at that house. Proceeds will be turned over to the war relief fund of the American Red Cross.

Camera Fans 'Shoot' 'Frank James' Double

DETROIT, Aug. 18.—Fifty candid camera fans who took the best pictures of the be-moustached double of "Frank James," were each given a pair of tickets to the Fox to see "The Return of Frank James."

The double roamed the streets for three days in Downtown Detroit and proved as popular as a film star.

'Drive' with $6,000 Leads in New Haven

NEW HAVEN, Aug. 18. — "They Drive by Night" and "Pop Always Pays" took $6,000 at the Roger Sherman. "I Love You Again" and "Tom Brown's School Days," Loew-Poli dual, grossed $7,500. The weather was fair and warm.

Estimated takings for the week ending Aug. 15:

"Pride and Prejudice" (M-G-M)
"We Who Are Young" (M-G-M)
COLLEGE—(1,499) (39c-55c) 7 days, 2nd week. Gross: $1,800. (Average, $2,700)
"I Love You Again" (M-G-M)
"Tom Brown's School Days" (RKO)
LOEW-POLI—(3,040) (39c-55c) 7 days. Gross: $7,500. (Average, $8,000)
"Bluebeard's Eighth Wife" (Para.)
"The Trail of the Lonesome Pine" (Para.)
PARAMOUNT—(2,348) (39c-55c) 7 days. Gross: $2,500. (Average, $4,000)
"They Drive by Night" (W. B.)
"Pop Always Pays" (RKO)
ROGER SHERMAN—(2,200) (39c-55c) 7 days. Gross: $6,000. (Average, $5,000)

Columbia Opens Own Branch in St. John

ST. JOHN, N. B., Aug. 18.—Columbia has established its own exchange here to cover the provinces of New Brunswick, Nova Scotia, Prince Edward Island, part of Quebec, Newfoundland, Bermuda, St. Pierre and Miquelon.

Columbia product formerly was handled through Maritime Films here, operated by Joseph Lieberman and Mitchell Bernstein. The exchange has been closed, with Lieberman becoming Columbia exchange manager and Bernstein concentrating on a circuit operated by the two men for several years.

Lag in Grosses Continues; $1,029,656 from 113 Houses

Theatre receipts in recent weeks continued to feel the effects of outside Summer competition and weather not conducive to theatre attendance, 113 houses in a score of major cities for the week ending Aug. 9-10 reporting an aggregate of $1,029,656.

The continuation of the Summer decline is indicated in the tabulation below, as compiled by MOTION PICTURE DAILY from weekly box-office reports of key city theatres. The strongest week during the past two and one-half months was that ending July 5-6, which included the July 4 holiday, when 127 theatres reported total receipts of $1,330,800.

The following tabulation indicates the total gross each week and the number of theatres reporting, since last September.

Sept. 7- 8	145	$1,490,144
Sept. 14-15	148	1,409,600
Sept. 21-22	151	1,399,745
Sept. 28-29	154	1,487,900
Oct. 5- 6	154	1,389,650
Oct. 12-13	137	1,279,000
Oct. 19-20	147	1,387,550
Oct. 26-27	147	1,363,300
Nov. 2- 3	149	1,371,400
Nov. 9-10	138	1,386,200
Nov. 16-17	154	1,487,000
Nov. 23-24	154	1,421,200
Nov. 30-Dec. 1	154	1,565,300
Dec. 7- 8	153	1,510,750
Dec. 14-16	147	1,201,750
Dec. 21-22	149	1,182,900
Dec. 29-30	147	1,493,200
Jan. 5-6, 1940	159	2,077,200
Jan. 12-13	145	1,333,150
Jan. 19-20	140	1,453,300
Jan. 26-27	151	1,507,800
Feb. 2- 3	157	2,171,600
Feb. 9-10	157	2,025,300
Feb. 16-17	151	1,785,200
Feb. 23-24	154	1,777,300
March 1- 2	160	1,810,700
March 8- 9	159	1,794,700
March 15-16	154	1,590,400
March 22-23	156	1,504,100
March 29-30	157	1,790,600
April 5- 6	147	1,463,500
April 12-13	153	1,467,700
April 19-20	143	1,355,300
April 26-27	143	1,321,800
May 3- 4	148	1,347,900
May 10-11	150	1,299,000
May 17-18	148	1,184,400
May 24-25	134	1,048,100
May 31-June 1	147	1,260,900
June 7- 8	138	1,189,600
June 14-15	133	1,090,300
June 21-22	129	1,123,200
June 28-29	119	975,100
July 5- 6	127	1,330,800
July 12-13	115	1,150,400
July 19-20	109	1,028,600
July 26-27	108	932,400
Aug. 2- 3	117	973,829
Aug. 9-10	113	1,029,656

(*Copyright*, 1940, *Quigley Publishing Company, Inc.*)

Mexico City Houses Get Wage Demands

MEXICO CITY, Aug. 18.—Demand for labor contracts revision to provide higher wages has been made upon the proprietors of eight large local houses by the National Cinematographic Workers' Union. In presenting these demands, the union said that it hopes it will not be obliged to call a strike to get its members what they want.

Film shorts are being made by the Mexican Government to stimulate interest in military service and training. These films are to be exhibited free throughout Mexico in connection with the Federal law requiring army service and military training.

Sets 'Young' Day

SALT LAKE CITY, Aug. 18.—Gov. Henry H. Blood of Utah has proclaimed Aug. 23 as "Brigham Young Day" for the world premiere of the 20th Century-Fox film here on that date. Darryl Zanuck, 20th Century-Fox production head, is expected for the premiere.

Wood on New RKO Film

HOLLYWOOD, Aug. 18.—Sam Wood, recently signed by RKO to direct "Kitty Foyle," has been assigned also to handle "The Devil and Miss Jones," Norman Krasna story which Frank Ross will produce.

Century Plans Three

HOLLYWOOD, Aug. 18. — Century Pictures, which is producing "Silver Queen" for Paramount release, will make three more during the year. Release is not yet set.

'Boom' Smash L. A. Grosser With $52,800

LOS ANGELES, Aug. 18. — "Boom Town" was a smash hit, scoring a total of $52,800 at two houses, $24,600 at the Chinese and $28,200 at Loew's State. Its unusual strength is indicated further by the fact that it was the only bill to do better than average for the week.

Estimated takings for the week ending Aug. 14:

"Gone with the Wind" (M-G-M)
CARTHAY CIRCLE—(1,518) (75c-$1.00-$1.10-$1.50) 4 days. 2nd week. Gross: $3,200. (Average, $17,000)
"Boom Town" (M-G-M)
CHINESE—(2,500) (44c-55c-75c-85c) 7 days. Gross: $24,600. (Average, $12,500)
"The Mortal Storm" (M-G-M)
4 STAR—(900) (40c-55c) 7 days. 4th week. Gross: $4,000. (Average, $3,250)
"Tom Brown's School Days" (RKO)
"I Married Adventure" (Col.)
HILLSTREET—(2,700) (33c-44c-55c-75c) 7 days. Gross: $5,000. (Average, $6,500)
"Boom Town" (M-G-M)
LOEW'S STATE—(2,500) (44c-55c-75c-85c) 7 days. Gross: $28,200. (Average, $14,000)
"Tom Brown's School Days" (RKO)
"I Married Adventure" (Col.)
PANTAGES—(3,000), (33c-44c-55c-75c) 7 days. Gross: $5,500. (Average, $7,000)
"Mystery Sea Raider" (Para.)
"The Great McGinty" (Para.)
PARAMOUNT—(3,595) (33c-44c-55c-75c) 7 days. Stage: F. & M. revue. Gross: $14,500. (Average, $18,000)
"Money and the Woman" (W.B.)
"Girl from God's Country" (Rep.)
WARNER BROS. (Hollywood)—(3,000) (33c-44c-55c-75c) 7 days. Gross: $6,700. (Average, $14,000)
"Money and the Woman" (W.B.)
"Girl from God's Country" (Rep.)
WARNER BROS. (Downtown)—(3,400) (33c-44c-55c-75c) 7 days. Gross: $6,500. (Average, $12,000)

'Scatterbrain' With Band Top Milwaukee

MILWAUKEE, Aug. 18.—Gene Krupa's band and the film, "Scatterbrain," connected for $14,500 at the Riverside. "When the Daltons Rode" and "Tom Brown's School Days" grossed $7,100 at the Warner.

Estimated takings for the week ending Aug. 13-15:

"The Lady in Question" (Col.)
"Lucky Cisco Kid" (20th-Fox)
PALACE—(2,400) (30c-40c-55c) 7 days. Gross: $3,800. (Average, $4,000)
"Scatterbrain" (Rep.)
RIVERSIDE—(2,700) (28c-44c) 7 days. Stage: Gene Krupa. Gross: $14,500. (Average, $6,500)
"Snow White and the Seven Dwarfs" (RKO)
"Pride and Prejudice" (M-G-M)
STRAND—(1,400) (30c-40c-55c) 2 and 5 days. Gross: $1,500. (Average, $1,500).
"When the Daltons Rode" (Univ.)
"Tom Brown's School Days" (RKO)
WARNER—(2,400) (30c-40c-55c) 7 days. Gross: $7,100. (Average, $4,500).
"Pride and Prejudice" (M-G-M)
"The Man I Married" (20th-Fox)
"Sporting Blood" (M-G-M)
WISCONSIN—(3,200) (30c-40c-55c) 2 and 5 days. Gross: $6,600. (Average, $5,500)

Wins Bingo Fight Point

MILWAUKEE, Aug. 18.—Charles W. Trampe, local exhibitor and head of Film Service, Inc., won a point in his fight against Bingo when Circuit Judge Roland J. Steinle upheld Trampe's refusal to submit to an examination in connection with his action to restrain the American Luther Association from conducting Bingo games.

Mexico City Station Gives 85% Pay Rise

MEXICO CITY, Aug. 18.—Station XEFO here, operated by the Party of the Mexican Revolution, which dominates Mexican politics, warded off the second strike threat in two months by capitulating to employe demands.

It signed a contract providing an 85 per cent wage increase, 20 days' vacation with full pay, and free medical attention and medicines for employes and their families.

F.C.C. Authorizes Two New Stations

WASHINGTON, Aug. 18.—The Federal Communications Commission has issued construction permits to the Van Curler Broadcasting Corp. for a new 1,210-kilcycle, 250-watt broadcasting station at Schenectady, N. Y., and J. W. Birdwell for a 1,210-kilocycle station at Knoxville, Tenn., with 100 watts night, 250 watts day.

The commission also authorized Stations WMOB, Mobile, Ala., to increase its power from 100 to 250 watts, and KFYO, Lubbock, Tex., to increase its night power from 100 to 250 watts.

Applications received at the commission included a petition from Station WBRC, Birmingham, to increase its night power from 1,000 to 5,000 watts.

Applications of Mohawk Radio Inc., and Western Gateway Broadcasting Corp. for new 1,210-kilocycle, 250-watt stations at Schenectady, N. Y., were ordered set for hearing, and Sept. 30 was tentatively assigned as the hearing date for the application of George F. Meyer for a new 1,500-kilocycle, 100-watt station at Medford, Wis.

Mexico Suppresses Secret Broadcaster

MEXICO CITY, Aug. 18.—Suppression of a clandestine radio station that broadcast seditious messages in code and the arrest of three Mexicans in the raid on a residence here is announced by the Secret Service. The raid resulted from long and patient detective work prompted by numerous complaints against the station. One of the jailed men is the private secretary of a Federal official who is not implicated in the case. The other two were leaders in the rebellion of Gen. Saturino Cedillo two years ago. Cedillo was killed while trying to escape in January, 1939.

Senate RCA Quiz Drawing to Close

WASHINGTON, Aug. 18.—Indications that the Senate Interstate Commerce Committee's investigation of the RCA anti-trust suit postponement in 1932 is drawing to a close were seen here Friday in the last minute cancellation of the day's hearing because of the lack of witnesses. The investigation is an outgrowth of hearings on the renomination of Thad H. Brown for another term as FCC commissioner. The committee plans to resume hearings on Tuesday.

Off the Antenna

UNLESS some prior agreement on television standards is reached before October, it appears that the three New York stations, owned by NBC, DuMont and CBS, respectively, will not operate on the same basis. With NBC using 507 lines instead of its previous 441 lines, both DuMont and CBS will use 525. The latter figure is about as high as definition can go without reducing the frames per second from 30 to 15, although some engineers believe it can go up to 605.

RCA engineers believe that 507 line definition is the highest that can be achieved within the limits of present receiving sets and frequency bands. It is pointed out that in television, the clarity of the image depends on both vertical and horizontal resolution. While vertical resolution goes up as the number of liness increases, horizontal resolution decreases by a similar amount, RCA engineers state. They declare that the only satisfactory transmission is with a definition somewhere between 441 and 507 lines.

No mechanical adjustment will be required to permit RCA or DuMont sets to receive the signal on the new standards. The DuMont sets, of course, are flexible and can receive signals up to 881 lines with 15 frames per second. RCA sets also will be able to receive up to 525 lines although that is about the limit, it was said.

• • •

Purely Personal: *Bill Norris, NBC trade news editor, and Florence Marks, of the press department, left over the weekend for vacations. . . . Tom Lewis will supervise production of the "Screen Guild Theatre" show over CBS when it returns to the air Sunday, Sept. 29. . . . John Cameron Swayze, motion picture and feature editor of the Kansas City* Journal-Post, *will join the news staff of KMBC, Kansas City, Aug. 25. . . . Craig Davidson has been elected a vice-president of the Compton Agency.*

• • •

Work will be started shortly on a new transmitter for WOV, which has recently been granted a power increase from 5,000 to 10,000 watts. The signals will be beamed toward the Northeast and is expected to give WOV a signal strength in New England equivalent to 40,000 watts, WOV engineers state.

• • •

Program News: *Five time shifts are scheduled at Mutual, as follows: "Where Are You From." to 8 P.M., Wednesday on Aug. 21; "The Sheep and Goats Club" to 9:30 P.M. the same night; "Ed Mayehoff On the Town" to 10:30 P.M. Thursdays on Aug. 29; "Cats 'n' Jammers" to 8:15 P.M. Tuesdays beginning Aug. 27; and "The Song Spinners" will be heard Thursdays at 8:15 P.M. after Aug. 29. . . . "Pot o' Gold" has added four Arizona stations to its NBC-Blue hookup for a total of 100. . . .Nehi Corp. will resume sponsorship of Robert Rilpley's "Believe It or Not" over 93 stations beginning Friday, Sept. 13 at 10 P.M. Arch Oboler will start a new series, "Everyman's Theatre," over NBC-Red Oct. 4.*

• • •

With all legal steps for the acquisition of Little Pea Island in Long Island Sound completed, WABC has started construction of sea walls to permit the erection of a new 50,000-watt transmitter. The complete cost will be in the neighborhood of $500,000, it was said. By sinking the lines directly into the salt water, a materially improved signal is anticipated.

Theatre Changes

Marlemes Takes House

NEW BRITAIN, Conn., Aug. 18.—Nick Marlemes, operator of the Royal, Tarpon Springs, Fla., has acquired the 963-seat Rialto here, operated for the past three years by Max Tabackman, of the Rivoli, West Haven. Marlemes will take over Sept. 1, and plans to install a new screen, new sound, carpets, and redecorate the lobby.

Fishman Closes Two

NEW HAVEN, Aug. 18.—Fishman Theatres, Inc., have closed the 500-seat Apollo Theatre indefinitely, after placing the theatre on a three-a-week Summer schedule. The 500-seat Winchester, operated by Fishman, has also been closed.

Remodel Indiana House

BLOOMINGTON, Ind., Aug. 18.—The Princess here is closed for a month during remodeling.

Close Indianapolis Granada

INDIANAPOLIS, Aug. 18.—The Granada, de luxe neighborhood house, has closed for an indefinite period.

Fosse to Open New Theatre

LA PORTE CITY, Ia., Aug. 18.—Marvin Fosse plans to open the new theatre under construction for the past several months on Aug. 22 under the name of the Mars. He expects to close the Pastime here after the opening of the new theatre.

Conn. House Renovated

ANSONIA, Conn., Aug. 18.—Warners have completed renovation of the 1,800-seat Capitol, including new seats, marquee, lobby and interior decoration.

Opens Theatre in Missouri

SHELBYVILLE, Mo., Aug. 18.—G. J. Spencer has opened the Shelby here. Spencer formerly operated the Ritz at Trenton, Mo.

To Manage New Theatre

KANSAS CITY, Aug. 18.—Frank Nelson has been named manager of the Osage at Osage City, Kan., by H. J. Griffith Theatres, Inc. He succeeds Jack Jeffries, who goes to Paola, Kan., when the new theatre now being completed by the circuit is opened there late this month.

Short Subject Reviews

"You Can't Shoe a Horse Fly"

(Paramount)

In this color cartoon, Max Fleischer's creation, the pair of donkeys, Spunky and Hunky, have a bit of excitement with a hungry horsefly. Spunky, the youngster, is hard put to it to defend himself from the marauder and his cohorts, until Hunky comes to the rescue. Amusing. Running time, 7 mins.

"Wimmin Hadn't Oughta Drive"

(Paramount)

In this Max Fleischer Popeye cartoon, the redoubtable and muscle-bound hero takes Olive Oyl for a ride in his shiny new car. It was a mistake, as he realizes when she insists on learning to drive. From that point the cartoonist's imagination gets full rein and Popeye has recourse to his spinach. Funny. Running time, 7 mins.

"Pinky Tomlin and His Orchestra"

(Paramount)

The popular band leader, Pinky Tomlin, takes his band on a tour of the country with a selection of songs which he considers the most popular in each section. Included, too, is a tune Tomlin composed himself, "I Did It and I'm Glad." Should please. Running time, 11 mins.

"Paramount Pictorial, No. 2"

(Paramount)

The highlight is a presentation of the manufacture of optical lenses, from the raw materials to the finished product. There is an explanation of the proper style of glasses to enhance women's appearance. A comic subject recounts a man's problem with his hair. A fair short. Running time, 11 mins.

"The Fulla Bluff Man"

(Paramount)

One of the Stone Age cartoons, this tells of the salesman who does no business among the cave-dwellers until he sells clubs to two gentlemen engaged in an argument. The whole town joins in the scrap, and the salesman cleans up—until the battle turns in his direction. Running time, 7 mins.

"Fightin' Pals"

(Fleischer-Paramount)

Popeye drops his old feud with Bluto in this cartoon and when the latter gets lost in an exploration trip to Africa, Popeye sets out to rescue him. He has quite a trek and is outraged when he finds Bluto entertaining himself with a group of native girls. Lots of fun. Running time, 8 mins.

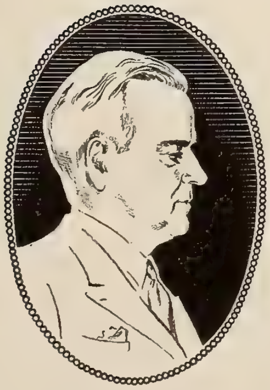
25th Anniversary

Martin Quigley and the Motion Picture

Martin Quigley's twenty-five years in the service of the motion picture industry, contributing to its world estate of financial, commercial and artistic leadership will be signalized in a special edition of Motion Picture Herald ■ ■ ■ ■

A quarter of a century of the rise and growth of the screen to its present stature as the world's greatest entertainment will find recognition in the Martin Quigley 25th anniversary edition. It will be the chronicle of the most remarkable period in the history of the motion picture and it will salute the work of one who, under an unvarying commitment of service, has devoted himself and his enterprises to the advancement of the motion picture and the industry.

The Martin Quigley twenty-fifth anniversary edition of Motion Picture Herald will not only be the meeting place of the vital personalities and institutions of the motion picture business—but, more important, it will be the show-window of the industry for the world to read and see.



QUIGLEY PUBLICATIONS
ROCKEFELLER CENTER NEW YORK

Mexico City Station Gives 85% Pay Rise

MEXICO CITY, Aug. 18.—Station XEFO here, operated by the Party of the Mexican Revolution, which dominates Mexican politics, warded off the second strike threat in two months by capitulating to employe demands.

It signed a contract providing an 85 per cent wage increase, 20 days' vacation with full pay, and free medical attention and medicines for employes and their families.

F.C.C. Authorizes Two New Stations

WASHINGTON, Aug. 18.—The Federal Communications Commission has issued construction permits to the Van Curler Broadcasting Corp. for a new 1,210-kilcycle, 250-watt broadcasting station at Schenectady, N. Y., and J. W. Birdwell for a 1,210-kilocycle station at Knoxville, Tenn., with 100 watts night, 250 watts day.

The commission also authorized Stations WMOB, Mobile, Ala., to increase its power from 100 to 250 watts, and KFYO, Lubbock, Tex., to increase its night power from 100 to 250 watts.

Applications received at the commission included a petition from Station WBRC, Birmingham, to increase its night power from 1,000 to 5,000 watts.

Applications of Mohawk Radio Inc., and Western Gateway Broadcasting Corp. for new 1,210-kilocycle, 250-watt stations at Schenectady, N. Y., were ordered set for hearing, and Sept. 30 was tentatively assigned as the hearing date for the application of George F. Meyer for a new 1,500-kilocycle, 100-watt station at Medford, Wis.

Mexico Suppresses Secret Broadcaster

MEXICO CITY, Aug. 18.—Suppression of a clandestine radio station that broadcast seditious messages in code and the arrest of three Mexicans in the raid on a residence here is announced by the Secret Service. The raid resulted from long and patient detective work prompted by numerous complaints against the station. One of the jailed men is the private secretary of a Federal official who is not implicated in the case. The other two were leaders in the rebellion of Gen. Saturino Cedillo two years ago. Cedillo was killed while trying to escape in January, 1939.

Senate RCA Quiz Drawing to Close

WASHINGTON, Aug. 18.—Indications that the Senate Interstate Commerce Committee's investigation of the RCA anti-trust suit postponement in 1932 is drawing to a close were seen here Friday in the last minute cancellation of the day's hearing because of the lack of witnesses. The investigation is an outgrowth of hearings on the renomination of Thad H. Brown for another term as FCC commissioner. The committee plans to resume hearings on Tuesday.

Off the Antenna

UNLESS some prior agreement on television standards is reached before October, it appears that the three New York stations, owned by NBC, DuMont and CBS, respectively, will not operate on the same basis. With NBC using 507 lines instead of its previous 441 lines, both DuMont and CBS will use 525. The latter figure is about as high as definition can go without reducing the frames per second from 30 to 15, although some engineers believe it can go up to 605.

RCA engineers believe that 507 line definition is the highest that can be achieved within the limits of present receiving sets and frequency bands. It is pointed out that in television, the clarity of the image depends on both vertical and horizontal resolution. While vertical resolution goes up as the number of liness increases, horizontal resolution decreases by a similar amount, RCA engineers state. They declare that the only satisfactory transmission is with a definition somewhere between 441 and 507 lines.

No mechanical adjustment will be required to permit RCA or DuMont sets to receive the signal on the new standards. The DuMont sets, of course, are flexible and can receive signals up to 881 lines with 15 frames per second. RCA sets also will be able to receive up to 525 lines although that is about the limit, it was said.

• • •

Purely Personal: *Bill Norris, NBC trade news editor, and Florence Marks, of the press department, left over the weekend for vacations. . . . Tom Lewis will supervise production of the "Screen Guild Theatre" show over CBS when it returns to the air Sunday, Sept. 29. . . . John Cameron Swayze, motion picture and feature editor of the Kansas City* Journal-Post, *will join the news staff of KMBC, Kansas City, Aug. 25. . . . Craig Davidson has been elected a vice-president of the Compton Agency.*

• • •

Work will be started shortly on a new transmitter for WOV, which has recently been granted a power increase from 5,000 to 10,000 watts. The signals will be beamed toward the Northeast and is expected to give WOV a signal strength in New England equivalent to 40,000 watts, WOV engineers state.

• • •

Program News: *Five time shifts are scheduled at Mutual, as follows: "Where Are You From." to 8 P.M., Wednesday on Aug. 21; "The Sheep and Goats Club" to 9:30 P.M. the same night; "Ed Mayehoff On the Town" to 10:30 P.M. Thursdays on Aug. 29; "Cats 'n' Jammers" to 8:15 P.M. Tuesdays beginning Aug. 27; and "The Song Spinners" will be heard Thursdays at 8:15 P.M. after Aug. 29. . . . "Pot o' Gold" has added four Arizona stations to its NBC-Blue hookup for a total of 100. . . .Nehi Corp. will resume sponsorship of Robert Rilpley's "Believe It or Not" over 93 stations beginning Friday, Sept. 13 at 10 P.M. Arch Oboler will start a new series, "Everyman's Theatre," over NBC-Red Oct. 4.*

• • •

With all legal steps for the acquisition of Little Pea Island in Long Island Sound completed, WABC has started construction of sea walls to permit the erection of a new 50,000-watt transmitter. The complete cost will be in the neighborhood of $500,000, it was said. By sinking the lines directly into the salt water, a materially improved signal is anticipated.

Theatre Changes

Marlemes Takes House

NEW BRITAIN, Conn., Aug. 18.—Nick Marlemes, operator of the Royal, Tarpon Springs, Fla., has acquired the 963-seat Rialto here, operated for the past three years by Max Tabackman, of the Rivoli, West Haven. Marlemes will take over Sept. 1, and plans to install a new screen, new sound, carpets, and redecorate the lobby.

Fishman Closes Two

NEW HAVEN, Aug. 18.—Fishman Theatres, Inc., have closed the 500-seat Apollo Theatre indefinitely, after placing the theatre on a three-a-week Summer schedule. The 500-seat Winchester, operated by Fishman, has also been closed.

Remodel Indiana House

BLOOMINGTON, Ind., Aug. 18.—The Princess here is closed for a month during remodeling.

Close Indianapolis Granada

INDIANAPOLIS, Aug. 18.—The Granada, de luxe neighborhood house, has closed for an indefinite period.

Fosse to Open New Theatre

LA PORTE CITY, Ia., Aug. 18.—Marvin Fosse plans to open the new theatre under construction for the past several months on Aug. 22 under the name of the Mars. He expects to close the Pastime here after the opening of the new theatre.

Conn. House Renovated

ANSONIA, Conn., Aug. 18.—Warners have completed renovation of the 1,800-seat Capitol, including new seats, marquee, lobby and interior decoration.

Opens Theatre in Missouri

SHELBYVILLE, Mo., Aug. 18.—G. J. Spencer has opened the Shelby here. Spencer formerly operated the Ritz at Trenton, Mo.

To Manage New Theatre

KANSAS CITY, Aug. 18.—Frank Nelson has been named manager of the Osage at Osage City, Kan., by H. J. Griffith Theatres, Inc. He succeeds Jack Jeffries, who goes to Paola, Kan., when the new theatre now being completed by the circuit is opened there late this month.

Short Subject Reviews

"You Can't Shoe a Horse Fly"

(Paramount)

In this color cartoon, Max Fleischer's creation, the pair of donkeys, Spunky and Hunky, have a bit of excite[illegible] with a hungry horsefly. Spunky, the youngster, is hard put to it to defend himself from the marauder and his cohorts, until Hunky comes to the rescue. Amusing. Running time, 7 mins.

"Wimmin Hadn't Oughta Drive"

(Paramount)

In this Max Fleischer Popeye cartoon, the redoubtable and muscle-bound hero takes Olive Oyl for a ride in his shiny new car. It was a mistake, as he realizes when she insists on learning to drive. From that point the cartoonist's imagination gets full rein and Popeye has recourse to his spinach. Funny. Running time, 7 mins.

"Pinky Tomlin and His Orchestra"

(Paramount)

The popular band leader, Pinky Tomlin, takes his band on a tour of the country with a selection of songs which he considers the most popular in each section. Included, too, is a tune Tomlin composed himself, "I Did It and I'm Glad." Should please. Running time, 11 mins.

"Paramount Pictorial, No. 2"

(Paramount)

The highlight is a presentation of the manufacture of optical lenses, from the raw materials to the finished product. There is an explanation of the proper style of glasses to enhance women's appearance. A comic subject recounts a man's problem with his hair. A fair short. Running time, 11 mins.

"The Fulla Bluff Man"

(Paramount)

One of the Stone Age cartoons, this tells of the salesman who does no business among the cave-dwellers until he sells clubs to two gentlemen engaged in an argument. The whole town joins in the scrap, and the salesman cleans up—until the battle turns in his direction. Running time, 7 mins.

"Fightin' Pals"

(Fleischer-Paramount)

Popeye drops his old feud with Bluto in this cartoon and when the latter gets lost in an exploration trip to Africa, Popeye sets out to rescue him. He has quite a trek and is outraged when he finds Bluto entertaining himself with a group of native girls. Lots of fun. Running time, 8 mins.

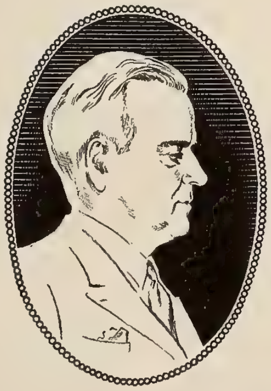
25th Anniversary

Martin Quigley and the Motion Picture

Martin Quigley's twenty-five years in the service of the motion picture industry, contributing to its world estate of financial, commercial and artistic leadership will be signalized in a special edition of Motion Picture Herald ■ ■ ■ ■

A quarter of a century of the rise and growth of the screen to its present stature as the world's greatest entertainment will find recognition in the Martin Quigley 25th anniversary edition. It will be the chronicle of the most remarkable period in the history of the motion picture and it will salute the work of one who, under an unvarying commitment of service, has devoted himself and his enterprises to the advancement of the motion picture and the industry.

The Martin Quigley twenty-fifth anniversary edition of Motion Picture Herald will not only be the meeting place of the vital personalities and institutions of the motion picture business—but, more important, it will be the show-window of the industry for the world to read and see.



QUIGLEY PUBLICATIONS
ROCKEFELLER CENTER NEW YORK

"BOOM TOWN" BOOMING!

The grosses in M-G-M's 9 Advanced Price Test Engagements started far ahead of the biggest pictures of the past and every day the margin gets BIGGER and BIGGER!

"BOOM TOWN"	YESTERDAY	TODAY
BEATS "SAN FRANCISCO"	by $35,795	by $37,640
BEATS "TEST PILOT"	by $43,654	by $45,014
BEATS "BOYS TOWN"	by $45,961	by $49,928
BEATS "BABES IN ARMS"	by $51,489	by $56,484
BEATS "NORTHWEST PASSAGE"	by $58,604	by $65,474

NOTE: *All figures are in the same 9 situations in which "Boom Town" is now playing, and for the same number of days. In order for this message to appear in today's trade press these figures were compiled on Friday. Watch the papers for further reports!*

YOUR TOWN WILL SOON BE A "BOOM TOWN"!

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

48. NO. 36 NEW YORK, U. S. A., TUESDAY, AUGUST 20, 1940 TEN CENTS

FILE COPY

Films Vital to Rapid Growth Of Television

Will Play Major Role as Program Material

Films will play a critical role in the next phase of television which is expected to start within the next few months, according to broadcasting officials. With 20 to 30 stations due to be launched before the end of the year, each committed to at least 10 hours of television programs weekly, the problem of obtaining sufficient program material at low cost will be a major one, it was said.

Live talent shows probably will be kept to a minimum because of the expense, it was said, with most stations likely to devote about half of their schedules to films even if only an inferior grade of product is available. Many of the telecasters will be compelled to start negotiations in the near future if they are to have sufficient contracts to start operations.

The one bright aspect of the situation, it was pointed out, is that an increased number of stations may provide a market which will interest distributors. Heretofore, film buyers for television have been unable to get very far with major companies because, among other things, the rentals were not sufficient to warrant the trouble.

NBC, with a New York station on the air about 14 hours weekly, used

(*Continued on page 8*)

Broadway Enjoys Weekend of Plenty

Broadway enjoyed a weekend of plenty as a result of strong attractions, cloudy skies and moderately cool weather. The Music Hall, with "Pride and Prejudice" in the second week, is headed for a $90,000 stanza, and will hold the film a third week. The picture did $62,000 from Thursday to Sunday, inclusive.

For the three days ending Sunday, "The Return of Frank James," with a stage show, drew $19,100 at the Roxy. It will end its two-week run Thursday and be followed by "Young People" on Friday. The Strand with "The Sea Hawk" and Phil Spitalny's orchestra on the stage took $25,400 for the three days of the weekend in its second week, and will be held a third.

(*Continued on page 6*)

British Reported Establishing New Films Commission

London, Aug. 19. — Carefully screened backstage movements on the part of the British Board of Trade and financial interests here seem to indicate that the Government is completing plans for the formation in the near future of a Film Industry Commission.

Following the appearance on July 17 of Sir Andrew Duncan, president of the Board of Trade, at a Films Council meeting, when he said he favored such a commission, a secret committee has been at work. Duncan asked the council to appoint members to collaborate with the Board of Trade in framing legislation designed to establish a Films Credit Bank.

It is believed that the committee includes, among others, Arthur W. Jarratt, for exhibitors; Capt. Rich-

(*Continued on page 6*)

PEACE WITH 3 COMPANIES SEEN

Will Attempt to Mediate Decree with 20th-Fox and Paramount

A separate consent decree peace with Loew's, RKO and Warner Bros. is expected to be concluded, in principle, by the Government not later than Thursday, spokesmen revealed yesterday, should 20th Century-Fox and Paramount hold out.

In the meantime, a mediation meeting of the Big 5 is to be held this morning at the Hays office. This meeting will be a prelude to an afternoon conference by the three assenting firms, RKO, Loew's and Warners.

That the assenting companies will have to stand trial even though accepting a decree was revealed inferentially yesterday by Government officials. They indicated also that the assenting companies have been reassured on fears about such a trial, and that it was the Government's intention not to press issues against those accepting the decree, but to press them strongly against the dissenting companies, particularly on divorcement. It is also the Government's intention, spokesmen stated, to ease the trial burdens for those assenting as against those who will fight.

Both 20th Century-Fox and Paramount officials have stated that they do not fear the divorcement issue and that they can beat the Government on that point in court.

Authorities cite the following possible results which might grow out of the mediation meeting, despite any

(*Continued on page 3*)

MPTOA Asks U.S. Hearing on Decree

The M.P.T.O.A. has requested the Department of Justice to give the exhibitor organization's executive committee a hearing on the Federal consent decree before any final decisions are made, Ed Kuykendall, M.P.T.O.A. president, revealed yesterday.

At the same time Kuykendall urged all exhibitors, regardless of affiliation, to protest to the Department against the proposed block-of-five sales plan, on which the M.P.T.O.A.'s principal objections to the decree are centered. Unless exhibitors inform the Depart-

(*Continued on page 3*)

No Decision Yet on 'Fantasia' Release

Whether RKO will distribute Walt Disney's "Fantasia," next season has not yet been decided. The company, it is stated, will have first call on the picture but no deal has been made as yet. Hal Horne, Disney vice-president, upon his return yesterday from conferences in Hollywood, said that the picture will be roadshown before regular release. The picture's running time is said to be two and a half hours.

Clair, Thwarted by War, To Produce in Hollywood

By SAM SHAIN

Thrice in the past three years, Rene Clair, one of France's greatest film directors, started work on a new picture, only to be thrice thwarted and forced to suspend production, because of the threat of war, and war itself, which finally came.

Finally, he is here, with the three scripts upon which, at one time or other, he has already done considerable work, and hopeful of producing one and maybe two pictures in Hollywood. Myron Selznick is guiding him, which fact of itself may be considered the strongest kind of assurance that Clair will realize his Hollywood hopes. Clair did not discuss conditions in France.

To American eyes, Clair is a typical Frenchman, tall, slim and trim, with black hair and brown eyes, one or the other of which he slides into a wink, to emphasize his words. He

(*Continued on page 7*)

"Lucky Partners"

[RKO]

HOLLYWOOD, Aug. 19.—A Pantages Theatre audience on preview night for the full running time of "Lucky Partners" either was laughing at such episodes as one of the finest comedy courtroom scenes to come out of Hollywood, or catching its collective breath at the conclusion of the hilarity called forth by sequences differing in kind rather than the degree of amusement they afforded.

It is the fourth consecutive dramatic role essayed by Ginger Rogers, this time opposite the polished Ronald Colman, and the result is calculated to wet Fall film appetites.

With her dancing restricted to a brief sequence in which she is seen

(*Continued on page 6*)

OTHER REVIEWS: "Rhythm on the River"—Page 2; "The Golden Fleecing," "River's End," "Ladies Must Live"—Page 3.

Personal Mention

A. W. SMITH, RKO sales manager, and Cresson E. Smith, Western sales manager, left for Chicago last night for a conference with Walter Branson, Midwestern district manager, and Jack Osserman, Chicago branch manager.

•

W. G. Van Schmus, managing director of the Radio City Music Hall, is recovering rapidly at his Summer home in St. James, L. I., from a recent operation.

•

W. B. Morgan, 20th Century-Fox manager in France, is expected to leave Europe on the *Exeter* on Thursday, and is scheduled to arrive here Aug. 30.

•

Max Cooper, manager of the Pascack Theatre, Westwood, N. J., is a visitor here.

•

T. Newman Lawler and Benjamin Pepper of O'Brien, Driscoll & Raftery are on vacation.

•

Rutgers Neilson, RKO publicity manager, is on vacation with Mrs. Neilson at Atlantic City.

•

Warren Irvin, district manager of Palmetto Theatres, Columbia, S. C., has been appointed chairman of the publicity committee of 1940 local Community Chest campaign.

•

Lee Bonoff, exhibitor in Madison and Saybrook, Conn., is visiting in Georgia.

•

W. D. McGee, manager of E. M. Loew's Drive-In, Providence, has left for a vacation in Columbus, O., and Flint City, Mich.

•

Les Horton of the Regal Theatre, San Francisco, is the father of a daughter, born late last week.

•

Eleanor Pedranzini of Warners' San Francisco exchange was married late last week to John G. Barter.

•

Joe Heppner of Metropolitan Photo Service has returned from an assignment of photographing Fred Waring's estate at Shawnee, Pa.

•

Marvin Schenck, Louis Weinberg, Rube Jackter, Max Weisfeldt, Eugene Picker, at Lindy's (next to the Rivoli) for lunch yesterday.

•

Harry Buxbaum, Toby Gruen, Charles E. McCarthy, John Hicks, George Weltner, Fred Lange, William F. Rodgers, Tom Connors, Edward Saunders, Joseph Bernhard, Morris Kinzler and Ted O'Shea lunched yesterday at Nick's Hunting Room at the Astor.

•

Jack Cohn, Nate Spingold, Harry Brandt, William Brandt, J. J. Milstein, Jack Goetz, Joseph Moskowitz, Charles Silverstone lunched yesterday at Lindy's (51st St.).

•

Herman Wobber, William Sussman, George Dembow, Leon Netter, Arthur Loew, Barney Balaban, Stanton Griffis, Russell Crouse, Jack Kirkland, Laudy Lawrence, Sam Shain, Ben Washer, William Melniker, Sidney Phillips and Tom Robinson lunched at Sardi's yesterday.

NEIL AGNEW, Paramount vice-president and distribution head, is expected from the Coast by plane at the end of the week.

•

Ed Schnitzer, Warners Eastern district manager, left yesterday to spend several days at Boston and New Haven exchanges. Phil Engel, field exploiteer, accompanied Schnitzer to Boston.

•

Robert M. Gillham, advertising and publicity director, will remain at the studio several days longer, and is due back next week.

•

Lou Pollock, Universal Eastern advertising and publicity director, returned to New York from the Coast by plane yesterday.

•

Charles D. Prutzman, Universal vice-president and general counsel, is en route to Canada and the West Coast for a month's vacation.

•

Lynn Farnol, United Artists advertising and publicity director, will leave for the Coast next Sunday by plane.

•

Mrs. Carl Brisson, wife of the actor, will undergo a major operation at Murray Hill Hospital today. The Brissons arrived from Europe recently.

•

A. Schneider, Joseph McConville, Douglas Rothacker, James Smith, Paul Lazarus, Jr., Louis J. Barbano, Ken Aneser, Charles Hirliman, Sam Tulpan, Harry Thomas, Tom Loach, Ray Johnston, Harry Arthur, Irving Lesser, William J. Heineman, Dave Levy, Jules Levey, Jeffrey Bernerd, Abe Montague, William Fitelson, Maurice Bergman, William Scully, Lynn Farnol, Ray Gallagher, James Cron, Jack Burstyn, Regina Carewe, Armand Denis, Sam Citron, Milton Weiss at the Tavern yesterday for lunch.

•

Jack Level of the RKO home office publicity staff returned from vacation yesterday. Irving Shiffrin of the same department began a two weeks' rest in New England.

•

Del Goodman, Far Eastern manager for 20th Century-Fox, arrived at the home office yesterday after a brief stay in Hollywood and Chicago.

Autre Seeking His Parents in France

Advices from the London office of Quigley Publications indicate that Pierre Autre, *Motion Picture Daily* and *Motion Picture Herald* correspondent in Paris for many years, left his engineers' company recently at the disembarkation port of Saint Nazaire in Brittany. With a British army car, and carrying supplies of gasoline and oil, Autre proceeded South, hoping to reach his parents, whom he believed to be near Bordeaux.

Para.'s 'Rhythm on River' Hailed at Del Mar Preview

By WILLIAM R. WEAVER

Del Mar, Calif., Aug. 19.—It is 11:45 Pacific Standard moonlight Time aboard a Santa Fe special drawn up hard by the Del Mar Turf Club (Bing Crosby, pres), where some 300 press guests of Paramount, presently engaged in maneuvering for seats of vantage and talking about it all, have but now seen, laughed at and applauded "Rhythm on the River."

It's been a long, full day for the ladies and gentlemen of cinema journalism—what with catching the special from Hollywood at 10:30 A. M., threading the throngs attracted to the race course by news of what would be going on and of stars who'd be present, lunching, dining, some even trying to persuade the *pari mutuel* machines to pay them extra for the pleasant hardship—and it's to be a long, full night *en route* home under a metallic moon that will give way to dawn before home and bed are arrived at.

"Bing's Best Yet"

It's five hours now since the NBC network carried a broadcast notifying the public that all this was going on in the interests of "Rhythm on the River," a $9,000 item of sales enterprise in behalf of the attraction and its attractees-to-be.

It would be in the pattern of expeditions of this kind for the guests aboard to express varying opinions with respect to the attraction pertained to. Let one critic say yes and there's two to slap a no back at him. Contrary the same. But that is as critics are, and what critics say to each other means nothing. What they say in print is what counts, publicity-wise, hence box office-wise, and these will be saying that Bing's new picture is his best yet, or thereabouts, for such is the way of the ladies and gentlemen who cover events of this kind in Hollywood. Particularly such is their way, it may be remarked, when the star of the attraction is Crosby, best liked, close up, of all the stars the critics come to know as both names and neighbors.

Gay and Tuneful Kidding

It's just a few minutes since the picture ended, out there on a huge screen erected in the moonlight, and if it evokes from audiences everywhere as much indication of pleasure as it did in this setting there'll be profits for all parties concerned. It is what might be called a light offering, a gay and tuneful kidding of the song-writing and song-publishing profession, and there is no seriousness in it. There is, though, an immense amount of showmanship, the built-in kind, enough of it and enough kinds of it to satisfy the needs of all the several kinds of showmen and their several needs.

Top value, of course, is Bing Crosby, enacting a ghost-composer, singing four songs, two alone and two otherwise, and being himself all the time.

There is value in the presence of Oscar Levant, the "Information Please" genius of the piano, who plays some and acts some but, like Crosby, works chiefly at being himself.

There is Mary Martin, enacting a ghost-lyricist, singing two songs with Crosby and one alone, carrying the feminine assignment in the romantic equation. There is Basil Rathbone, doing comedy, and Oscar Shaw, of the Broadway stage, and there are John Scott Trotter and his band (Kraft Music Hall), Ken Carpenter at the microphone, and Ch[illegible]y Grapewin, Lillian Cornell, Jean [illegible]gney, William Frawley, Harry Barris and many another.

Yes, there is plenty of showmanship material here to work with, including the fact that William Le Baron, Paramount director-in-chief of production, produced the film in person, and that Victor Schertzinger, who directed "Road to Singapore," directed this picture also, in the same manner, and wrote one of the six songs, Johnny Burke and James V. Monaco contributing the other five. The screenplay is by Dwight Taylor, the story by Billy Wilder and Jacques Thery.

Built for Ready Market

Built to order for the mood of an era in which audiences are understood to be in the market for mirth and music, "Rhythm on the River" is dated for release Sept. 6. By then the tunes should be all over the radio dial and the magazines full of pictures snapped by their cameramen here today. By then the dispatches sent off by this trainload of critics and correspondents should have appeared in print and focused the attention of the multitude upon the picture. From there on, it would seem, any showman worthy of the name should be well able to handle the details of necessary arrangements for building a nice gross.

Running time, 90 minutes. "G."*

"G" denotes general classification.

RKO to Build in Trenton

Wreckers will start on the RKO Trent, Trenton, N. J., Sept. 3 to make way for a new theatre building which will seat 1,000, scheduled for opening Christmas Day, John J. O'Connor, RKO Theatres vice-president and general manager, said yesterday. The circuit will operate the house through the Trent-New Brunswick Corp., now operating nine theatres.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center New York City. Telephone CIrcle 7-3100 Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred J. Finestone, Managing Editor; James A Cron, Advertising Manager; Chicago Bureau 624 South Michigan Avenue, C. B. O'Neill manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Far Eastern Business Is Holding Pace

By SHERWIN A. KANE

Business in the Far East is holding to a steady level despite the wide effects of warfare on the market, Del Goodman, Far Eastern manager for 20th Century-Fox, said yesterday on his arrival in New York for home office conferences.

No new trade problems of major import have arisen in the Far East during the past year, Goodman said. British possessions were described as being "very fair" about currency regulations and most of them have given assurances that no restrictions will be placed on currency exports until such a move is absolutely necessary.

India is considering imposing restrictions on picture imports, he said, but American distributors do not regard the proposals which have been discussed so far as damaging to their interests. No legislation on the subject has been introduced yet.

Future of the Japanese market remains a doubtful quantity, Goodman said. He is not optimistic about currency export or film import regulations being liberalized by Japan in the immediate future.

War Department Bids for Film Jobs

WASHINGTON, Aug. 19.—The film industry's first national defense job will be to provide photographers and technicians for the War Department.

This was disclosed today when the Department, through the Civil Service Commission, called for applications for appointment as motion picture photographers at salaries ranging from $2,600 to $1,440 a year, aerial motion picture cameramen at $2,600 to $2,000 a year, and technicians at $2,600 to $1,440 a year.

No definite information is available as to how many positions are to be filled or where they will be located. Applications will be received from men not over 52 years of age. Examinations will be held probably in October.

Schine Suit Answers Are Due on Sept. 3

BUFFALO, Aug. 19.—Universal, Columbia and United Artists have until Sept. 3 to file answers to the Government's complaint in the anti-trust suit against the Schine circuit and the major companies. The answers of Loew's, RKO, Paramount, Warners and 20th Century-Fox were filed on Saturday, the last day for those five defendants.

The suit probably will be placed on Federal Judge John Knight's calendar at the November term for trial. Answers consisted mostly of general denials, although Paramount contended that it is not a resident of this judicial district and, therefore, not subject to the jurisdiction of the Federal court here.

Hollywood Reviews

"The Golden Fleecing"

(M-G-M)

HOLLYWOOD, Aug. 19.—A story unique in conception and development sets this Lew Ayres-Rita Johnson vehicle apart from and somewhat above most in its bracket. Ayres plays a young insurance salesman who discovers that a man to whom he has sold a $50,000 life policy is a gangster with a reward of $25,000 offered for his capture dead-or-alive and sets out to do what he can about keeping the criminal alive.

The gangster, played by Lloyd Nolan, desirous of obtaining the $25,000 reward money, which he needs to add to his own funds in order to pay expenses of bailing himself out of jail and fleeing the country, forces Ayres to pretend to capture him, collect the reward money and turn it over. A sequence of unpredictable incidents, all well plotted, conspire to keep the gangster in custody and the insurance salesman not only safe but, finally, richer by $25,000 and happily married to Miss Johnson. Enhancement of the market value of supposedly worthless aviation stocks, due to Government financing of the company, is the factor which produces the required solution of the financial equation.

Virginia Grey and Nat Pendleton are present as associates of the gangster, Leon Errol as the salesman's song-writing uncle. George Lessey, Richard Carle, Ralph Byrd, Marc Lawrence, Thurston Hall, James Burke, Spencer Charters and William Demarest are the others in the cast.

The story is an original by Lynn Root, Frank Fenton and John Fante; the screenplay a collaboration by S. J. and Laura Perelman and Marion Parsonnet. Production is in the polished manner of Edgar Selwyn and direction is by Frank Fenton. Although gangsterism is dealt with as a basic element, treatment is for humor only.

Running time, 69 minutes. "G."* ROSCOE WILLIAMS

"River's End"

(Warners)

HOLLYWOOD, Aug. 19.—Based on the James Oliver Curwood novel, "River's End" takes its title from the name of a town in Alberta. There a young man convicted of murder breaks away from his Canadian Mounted Police guards, flees to a haven in the woods. The "Mountie" assigned to track him down dies in the process, first pursuading the alleged killer to take his clothes and identity.

Both roles are enacted by Dennis Morgan, who as the "Mountie" sergeant returns to River's End and tracks down the real murderer. Seen as the Sergeant's sister and romantic lead is Elizabeth Earl, while George Tobias appears as a French-Canadian guide and Victor Jory as the killer. Steffi Duna helps provide comedy relief.

The screenplay was written by Barry Trivers and Bertram Millhauser, directed by Ray Enright. William Jacobs acted as associate producer.

Running time, 70 minutes. "G."* W. S.

"Ladies Must Live"

(Warners)

HOLLYWOOD, Aug. 19.—Wayne Morris, Rosemary Lane and Roscoe Karns are the principals in this light tale of pre-marital misunderstanding. Morris appears as a gentleman farmer whose insistence upon bringing Karns, enacting his best friend, to New York to be his best man almost breaks up his romance when the latter interprets the actions and attitudes of Miss Lane and her family as fortune hunting.

George Reeves, Lee Patrick, Ferris Taylor, Lottie Williams and De Wolf Hopper are in principal supporting roles, while Cliff Saum, as "Thunderbird," an Indian butler, provides a large share of comedy relief.

As a night club entertainer, Miss Lane sings "I Could Make You Care" and "It Shows You What Love Can Do."

Robert E. Kent contributed the screenplay from the stage play by George M. Cohan, with Noel Smith directing and William Jacobs acting as associate producer.

Running time, 59 minutes. "G."* W. S.

**"G" denotes general classification.*

Cammack to Argentina

Ben Y. Cammack, formerly of the RKO home office foreign department, is en route to Buenos Aires to take over new duties for the company as manager for Argentina. He succeeds Nat Liebeskind, resigned.

Warner Newark Meeting

Joseph Bernhard, general manager of Warner Theatres, will preside today at a meeting of managers and district managers in the Newark zone. He will be accompanied by Harry Goldberg, advertising manager.

Peace With Three Firms Is Probable

(*Continued from page* 1)

prior discussions among the defendants with Government lawyers:

(a) No change in the stand of 20th Century-Fox and Paramount.

(b) The mediators to reopen "escape clause" discussions with the Government, on behalf of all.

(c) A separate peace by the three assenting companies.

(d) Collapse of the whole thing.

'Big 5' Peace Likely

MOTION PICTURE DAILY reported yesterday that a peace program to cover 20th Century-Fox and Paramount was regarded likely over the weekend, with the three assenting companies acting as intermediaries.

Government officials justify their ultimatum to 20th Century-Fox and Paramount upon the premise that in the conversations which had been held and which led to the Aug. 3 terms, a proposal had been made whereby the decree would be given a three-year trial, at the end of which period its terms would be re-examined.

These conversations have not yet been incorporated into the decree terms, however.

The Government says:

"There can be only one kind of a decree for all."

Paramount and 20th Century-Fox say:

"The decree terms must apply to all equally."

Where the dispute arises is that the hold-out companies wish to modify some of the provisions and particularly the escape clause so that it will operate absolutely and effectively at the end of nine months from the effective date of the decree.

MPTOA Asks U.S. Hearing on Decree

(*Continued from page* 1)

ment of their views, Kuykendall pointed out, "the Government officials cannot be expected to have a full understanding of them."

The M.P.T.O.A. president said he believes the Department will welcome expressions of opinion by exhibitors, "particularly because of the fact that exhibitors have not been permitted to participate in the hearings to date," and because he is "sure the Department is trying to impartially and fairly work out the trade differences in this industry."

He said the M.P.T.O.A. objections to the block-of-five sales proposal are based upon a belief that it would increase film costs to the exhibitor, cause him much unnecessary confusion and work, eliminate the exhibitor's cancellation right and establish a more severe block booking system then ever before.

Spear to W. B. in Seattle

SEATTLE, Aug. 19.—John Spear, formerly with 20th Century-Fox, has joined the Warner exchange here as salesman, succeeding Arthur Gollofon, resigned.

GOLDWY

COOPER

THE WESTER

Ft. Worth

Directed by **WILLIAM WYLER** • Releas

N

World PREMIERE

Most widely publicised screen event of the year! Worth and Hollywood Theatres, Fort Worth, September 19th, followed September 20th by day-and-date premieres in more than 100 Texas cities! Forty Texas newspapers now featuring contest to select guard of honor to welcome Gary Cooper, Doris Davenport, Walter Brennan and other star celebrities to Fort Worth as radio stations prepare to broadcast event from coast to coast. Samuel Goldwyn gratefully thanks Bob O'Donnell, Harold Robb, Ed Rowley, Julius Gordon, R. E. Griffith, Governor O'Daniel, Karl Hoblitzelle, Mayor McCrary of Fort Worth and the Chambers of Commerce of Texas for their enthusiastic cooperation!

NER

Sept. 19

hru **UNITED ARTISTS**

Schine Circuit Completes New Division Setup

GLOVERSVILLE, N. Y., Aug. 19.—A new setup of operations of the Schine Circuit was disclosed here today by J. Meyer Schine, president of Schine Enterprises. The changes embrace the three divisions in which are about 170 theatres.

Most important change is the appointment of Gus Lampe, for nine years city manager of the Schine-RKO theatres in Syracuse, as head of a new division comprising territory including Maryland and Delaware, Northern New York and the Mohawk Valley. Lampe will have his headquarters in Gloversville, where he will begin his new duties Sept. 1.

Major Louis Lazar will remain in charge of the Ohio-Kentucky territory. Frank M. Boucher heads the important Western New York division and, in addition, will supervise all zone operations.

Schine announced that no employe of the circuit would lose his position should he be called for military training. An unconditional guarantee was given that employees would have their jobs back when they return from duty.

No Agreement on Cincinnati Wages

CINCINNATI, Aug. 19.—Although negotiations have been under way for several weeks, no definite agreement has been reached between theatremen and operators, either in the major or independent classifications, on wage scales to become effective Sept. 1, upon expiration of current contracts. A number of angles are understood to have been introduced, due to existing tax and other business conditions.

Coast Flashes

HOLLYWOOD, Aug. 19.—Universal today announced definite release dates of 23 features, including the new season's distribution period from Sept. 6 to Dec. 27. Fifteen are already completed.

●

James Cagney will arrive here tomorrow and leave by plane immediately for San Francisco to appear voluntarily before the Dies Committee to refute accusations of Communism.

●

A general membership meeting of the Screen Writers Guild was held here tonight under chairmanship of Sheridan Gibney, who reported on progress to date on negotiations for recognition by the producers.

●

James Roosevelt is confined to his home with the flu, which, it is believed, will prevent his appearance at Thursday's opening of "Pastor Hall" in Philadelphia.

●

Deems Taylor has arrived here to collaborate on the final stages of production of Walt Disney's "Fantasia," feature length musical cartoon.

"Lucky Partners"

[RKO]

(*Continued from page 1*)

doing a tango with her co-star, she appears as a hunch-playing assistant in her aunt's Greenwich Village bookstore. One such hunch brings her into contact with Colman, an artist who has for some years refused to exhibit his work because of its previous banning on grounds since repudiated.

Together, and with Miss Rogers' fiance's consent, the two buy a sweepstakes ticket, with the understanding that, if they win, they are to go away together on a "strictly impersonal" basis in order to give the girl an insight into the gay and artistic approach to existence before she settles down with an insurance-salesman husband in the prosaic pattern of Poughkeepsie life.

Results of the trip, portrayed in light vein throughout, lead to romance between the girl and the artist, as well as implication that his work will no longer be denied the world. But between start and finish, the result of patterned casting and story choice, as of direction and production values, are more than made evident.

In addition to the stars, sure and able performances were turned in by such name-worthy support as Jack Carson, Spring Byington, Cecelia Loftus, Harry Davenport, Hugh O'Connell, in addition to Leon Belasco, Lucile Gleason and others in smaller roles.

Harry E. Edington was executive producer, with George Haight producing and Lewis Milestone, returning to the comedy field, directing. Allan Scott and John van Druten wrote the screenplay from a story by Sacha Guitry. The musical score, a definitive asset in carrying the mood of the film, was contributed by Dimitri Tiomkin.

Running time, 95 minutes. "G."* W. S.

"G" denotes general classification.

Pool Ten Theatres In Atlantic City Deal

ATLANTIC CITY, Aug. 19.—A pooling deal involving 10 Warner and Mort Lewis-George Weilland first and subsequent run houses has been effected because of economic conditions here. Business has slipped steadily for the past several years, with the town obviously overseated. Terms of the pooling provide that some houses will close during the poor season, allocation of pictures to the open houses and a corresponding correction of clearance problems. The merger was made on a temporary basis with the option of renewal.

The operating committee for the pooled houses will be headed by Joseph Bernhard, general manager of Warner Theatres, and Weilland, representing the independent circuit. Considered the biggest pooling arrangement in years in this area, the houses involved included Warners' Warner, Stanley, Colonial and Virginia; and Weilland-Lewis' Apollo, Strand, Embassy, Capitol, Margate and Ventnor.

Ask Pre-Release on St. Louis Single Test

ST. LOUIS, Aug. 19.—Cooperation of producers and distributors is essential to the success of the new single bill policy of the Ambassador here, according to Harry C. Arthur, Jr., president and general manager of Fanchon & Marco, operators of the 3,108-seat downtown house.

Arthur, in a statement issued over the weekend, said the one way in which the producers and distributors can help during the test period is to arrange that pictures played under the policy be given a pre-release of three to four weeks in this particular territory "so that there will be no simultaneous runs in the territory serviced by St. Louis exchanges."

Cincinnati Houses Increase Prices

CINCINNATI, Aug. 19.—Prices at the RKO Albee, Palace, Capitol and Keith's will be increased on Thursday. The new scale, including State and Federal taxes, will be 33 cents until 1 P. M., 40 cents matinee, and 50 cents evening. Present admissions are 39 and 47 cents for matinee, eveing, respectively. The higher scale will be effective at the new RKO Grand opening Thursday, and will apply to the entire house, regardless of whether lower floor or balcony.

The 33 and 42 cents matinee and night scale at the RKO Lyric remains the same, with the addition of a 28-cent admission until 1 P. M. Simultaneously, the suburban RKO Paramount, which heretofore was dark from 5 to 7 P. M., will operate on a continuous basis. Matinee prices will be reduced from 28 cents to 25 cents, including taxes. Evening top of 39 cents will be unchanged.

Wisconsin Exhibitor Convention on Oct. 2

MILWAUKEE, Wis., Aug. 19.—An I.T.P.A. of Wisconsin regional meeting will be held Sept. 6 in Merrill and the association's annual convention has been scheduled for Oct. 2 and 3 at the Schroeder hotel, Milwaukee.

Lucille Forbes, owner of the Cosmo at Merrill, is chairman of the regional meeting. The state convention will consist of an all-day business meeting on Oct. 3, which will include several well known speakers in the industry. Delegates will have an opportunity to register Oct. 2 and participate in a get-together in the evening with representatives of firms exhibiting at the convention. The annual banquet will be held the evening of the second day.

Rice Sabotage

Tokyo, Aug. 19.—National journals are demanding the withdrawal of a native-made picture as "unpatriotic" because it contains a glaring example of the misuse of rice in times of food rationing. A character in the film, according to the news reports, is pictured with "his face plastered with cooked rice."

British Reported Establishing New Films Commission

(*Continued from page 1*)

ard Norton, for producers; Francis W. Baker, for distributors; George H. Elvin, labor; Simon Rowson, trade expert.

Despite the secrecy attached to the proceedings, it is understood in informed quarters that legislation is being developed leading to the formation of a film commission. It is believed further that Duncan was influenced by the original film report of Lord Moyne's committee, which favored the control of the industry by a select body with control of foreign film investments here, rental terms, admissions and other phases of operation.

Personnel Shifted in RKO Circuit Division

CINCINNATI, Aug. 19.—Local RKO division offices have made the following changes in personnel, effective this week: Norman Linz, manager of the suburban Paramount and Orpheum, has been named manager of the downtown Capitol, succeeding James Pendegast. The latter has been transferred to the Shubert, where Henry Sommers recently resigned to take charge of the Sam Lee circuit in Kentucky.

Tom Davis, formerly with the Mary Anderson, at Louisville, but more recently manager of the Libson-White Paramount, Ashland, Ky., succeeds Linz. William T. Hastings, manager of the Lyric, has gone to the new Grand, and has been replaced by Lake Jones, assistant at the Albee. Joseph Hansberry, assistant at the Orpheum, has taken a similar post at the Grand. Elwood Jones has been transferred from assistant at the Shubert to assistant at the Albee, and Stanley Gerhardstein, formerly chief of service at the Shubert, has been named assistant manager of that house.

Broadway Enjoys Weekend of Plenty

(*Continued from page 1*)

The Paramount took $46,000 for the first week ending today of "The Great McGinty" and Cab Calloway and his band on the stage. The bill will go a second week. The Rialto will open "Golden Gloves" today, after a weak $3,000 for three days on the dual reissue, "The Gorilla" and "The Hound of the Baskervilles." The Globe took an estimated $2,100 for Saturday, Sunday and Monday with "The Ghost Creeps," and will open "River's End" on Saturday. "Foreign Correspondent" will reopen the Rivoli next Tuesday.

'Daltons Rode' Leads Frisco With $13,500

SAN FRANCISCO, Aug. 19.—"When the Daltons Rode" and "Blondie Has Servant Trouble" drew $13,500 at the Orpheum. "The Great McGinty" and "Pier 13" took $13,900 at the Paramount.

Estimated takings for the week ending Aug. 13-16:

"Ramparts We Watch" (RKO)
GOLDEN GATE—(2,850) (40c-50c-55c) 7 days. Stage: vaudeville. Gross: $14,500. (Average, $15,000)

"When the Daltons Rode" (Univ.)
"Blondie Has Servant Trouble" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-50c) 7 days. Gross: $13,500. (Average, $8,000)

"All This, and Heaven Too" (W. B.)
FOX—(5,000) (15c-35c-40c-50c) 7 days. Gross: $16,500 (Average, $16,000)

"The Great McGinty" (Para.)
"Pier 13" (20th-Fox)
PARAMOUNT—(2,740) (15c-35c-40c-50c) 7 days. Gross: $13,900. (Average, $11,500)

"Our Town" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $5,500. (Average, $8,000)

"They Drive by Night" (W. B.)
"3 Faces West" (Rep.)
ST. FRANCIS—(1,400) (15c-35c-40c-50c) 7 days, 2nd week. Gross: $5,200. (Average, $6,000)

"I Love You Again" (M-G-M)
"Mystery Sea Raider" (Para.)
WARFIELD—(2,680) (15c-35c-40c-50c) 7 days. Gross: $12,500. (Average, $12,000)

"Baker's Wife" (Foreign)
CLAY—(400) (15c-39c-44c-55c) 7 days, 8th week. Gross: $1,300. (Average, $1,000)

Cassil Case Will Be Heard on August 26

ST. JOSEPH, Mo., Aug. 19.—The suit of Frank Cassil of the Rialto, president of the Kansas-Missouri Theatres Association, against Dubinsky Brothers and major distributors will be first on the docket of Federal Judge Merrill E. Otis when he opens a special term of the court here Aug. 26.

The Cassils are suing for $452,775 on charges that the Dubinsky circuit and the distributors violated the anti-trust laws in manipulating first and second run releases in St. Joseph.

Lange Will Return For Europe Study

Fred W. Lange, Continental European manager for Paramount, is planning to return to the Continent to check up on Paramount properties there and explore the possibilities of more business. Lange's plans for departure will be determined by future developments abroad. He returned to New York from Europe about a month ago and has been at the Paramount home office since.

'Brigham Young' to Open in 6 Houses

SALT LAKE CITY, Aug. 19.—Six local theatres have been sold out at $1.10 for the opening here Friday night of 20th Century-Fox's "Brigham Young." The houses are the Centre, Utah, Capitol, Paramount, Victory and Studio, with a combined seating capacity of 7,734.

New Company Formed

ALBANY, Aug. 19.—Nuhead Productions, Inc., has been chartered here by Harold J. Healy, Henry J. Denton and Edward J. Nugent.

Clair, Thwarted by War, To Produce in Hollywood

(*Continued from page* 1)

wears an air of assurance and speaks with a sureness of feeling that he knows what he is talking about.

Clair is best remembered by American audiences through "The Ghost Goes West," which he made in England for Alexander Korda, and which enjoyed a wide popularity here. His best known French-made pictures which were released here include, among others, "Sur Les Toits de Paris" ("The Rooftops of Paris") and "Le Million."

Has Slight Accent

His English would be perfect except for a slight accent, and as he tells the story of how his production plans were blocked, time and again since 1937, he crosses his legs and tips his cigarette from mouth to ashtray, as if it were all part of the story he is telling, sitting behind a desk in Selznick's office, in the International Building.

Like all Frenchmen, he is polite and courteous. He will not keep anybody waiting—but can he help it, in this big city, to be some minutes late, he says, when he gets lost because he has been here only once before? And that was when United Artists with much fanfare held the premiere of the Robert Donat film at the Rivoli Theatre. Clair stayed in New York for about three weeks, visited the suburbs, saw the shows and lunched at the usual places and then returned home.

Non-Smoking Method

Clair's visitor on this occasion doesn't smoke, and this impresses the director who says he wishes that he also didn't smoke, but he knows of only one method by which to restrain himself, and that is by keeping his cigarettes in a separate room, so that when he feels like smoking he must leave the particular room and go into the other in order to get one. That would be inconvenient and not always the courteous thing to do when one has a visitor, he observes.

Has he tried it? Well, he didn't say.

This time—ah, this time, it is different. Clair expects to reach Hollywood and stay there for a while with his wife and son. Of course, he will return to France. No Frenchman can desert that "poor country"—because certainly if his country needs him he is going back. That may be in a year perhaps.

Clair might have been over here sooner, he says, and he had permission from his Government to leave, but he felt that it was his duty to stand by, during the war, in case he was needed in the service. He is only 41, now, and although he served in the World War, he was still subject to call in the Army.

Wants to Make "Pure Air"

Clair hopes to be able to make a kid picture here. He has a script of "Air Pur" ("Pure Air") on which he has already shot some French backgrounds and which was in work for five weeks or so when France's Mobilization Day arrived and he had to suspend work. There he was in the South of France, 700 miles or so from Paris, with 17 or 18 children and a company of 34 adults, including actors and technicians. Besides, two of the children were stricken with fever. That was in August, 1939. One week later his chief assistant fell in battle. But that was the second time that his work was interrupted by an international incident.

The first time, was when he was preparing to start on G. B. Priestley's "Wonder Heroes," and the famous Munich Conference suddenly broke upon the troubled horizon of Europe, and Clair's production plans again had to be dropped.

The third and last time was after he had started work on "Rue de La Gaiete" ("Gaiety Street") a story of the Times Square area of Paris, when the Battle of Paris broke loose, and again Clair had to suspend operations.

Plans One or Two Films

Well, he still has these three scripts and still believes that they are good enough to make and still hopes to make one or two of them.

Clair had never worked with children until he started "Air Pur" with the cooperation of France's Ministry of Information, and he says he was surprised of the quick and easy understanding his kid actors had of their work, although none of the 18 which he had selected from a batch of 500 had ever appeared before a camera before. He hopes to be able to make a kid picture, sometime.

A good "A" picture, Clair, as other French directors before him have stated upon arrival here, can be made for $150,000 to $200,000 in France, when production is open there, but Clair has no false illusions about the cost of production here. Situations differ, he says, and whether or not a comparable picture such as some of those he has made can be made here for the same amount of money, is dependent upon conditions.

Denies Minneapolis Buyer Strike Threat

MINNEAPOLIS, Aug. 19. — Fred Strom, executive secretary of Northwest Allied, today strongly denied reports that a buying strike is threatened by members of the organization. At least three major companies have written a substantial volume of business with Northwest Allied members, and many independents are attempting to make deals with all companies, it was said. Strom said, however, that the independents feel film rentals must be reduced.

Third Week Set for 'Boom Town' Tests

Four of the nine "Boom Town" test runs now under way will be extended to three weeks, Joseph R. Vogel, Loew's theatre executive, said yesterday. These are in Harrisburg, Reading, New Orleans and Indianapolis. The decision to hold them for a third week was on the basis of the second week's weekend business. Other test runs are in a second week, with a third week for these also indicated. All are playing at scale increases of 25 per cent matinees and one-third for night shows.

34 New Films Now Shooting; 10 Completed

HOLLYWOOD, Aug. 19.—Thirty-four pictures were before the cameras this week, with five being started and 10 finished, a decrease in all categories from the week before. In preparation were 24, and 75 were being edited.

The tally by studios:

Columbia

In work: "Blondie Plays Cupid," "Women Under 21."
Started: "Ghost Guns."

M-G-M

Finished: "Philadelphia Story," "Sky Murder."
In work: "Bittersweet," "Go West," "Flight Command," "Third Finger, Left Hand," "Little Nellie Kelly."

Paramount

Finished: "Arise My Love."
In work: "Quarterback," "Virginia," "Love Thy Neighbor," "D.O.A." "Second Chorus," "The Round Up."

RKO

Finished: "Mexican Spitfire Out West," "Wagon Train."
In work: "Little Men," "Citizen Kane," "You'll Find Out."
Started: "The Fargo Kid," "No, No, Nanette."

Republic

In work: "Hit Parade of 1941."
Started: "Melody and Moonlight," "Wild Bill Hickok."

Roach

Finished: "Roadshow."

20th Century-Fox

In work: "The Californian," "Jennie."

Universal

Finished: "Spring Parade," "A Little Bit of Heaven," "The Pony Post," "The Devil's Pipeline."
In work: "Seven Sinners," "The Green Hornet Strikes Again," "Fireman Save My Child," "Meet the Wildcat."

Warners

In work: "Meet John Doe," "Honeymoon for Three," "Santa Fe Trail," "East of the River," "Four Mothers," "High Sierras."

'Hall' Opening Set Despite Objections

PHILADELPHIA, Aug. 19.—"Pastor Hall" will open at Warners' Aldine Thursday despite objections by the local musicians' union, which has been on strike against the circuit for nine months. James Roosevelt, who is releasing the film through U. A., and Mrs. Franklin D. Roosevelt, who contributed a prologue to it, are not expected to attend the premiere, according to Henry Boskin, United Artists branch manager here.

Proceeds to Charity

ST. LOUIS, Aug. 19.—The Women's Allied War Relief, local organization which is sending clothing and medical supplies to England, received half of the proceeds of the Ambassador Theatre at one night's showing of "The Queen of Destiny."

Films Vital to Rapid Growth Of Television

(Continued from page 1)

an average of three or four features each week. Rentals ranging from $75 to $150 were paid. While these rentals are insignificant singly, it was observed, if multiplied by 10 or 20 stations in non-competing areas the distributors may show some interest. This is especially true, it was pointed out, because radio can use features several years old, and the revenue represents a clear profit to the distributors. Television authorities believe that the stations would be willing to pay more than the present rentals if product from a major company could be assured.

The FCC has emphasized that it will not permit "squatters" on the television channels. This is generally understood to mean that stations will be required to fulfill program commitments or relinquish their licenses.

It was added, however, that the situation may be altered materially if an agreement on standards is reached and full commercialization is granted by the FCC. In such event, it was said, larger appropriations would be available for film purchases.

Four Stations Sign Pacts with A.F.R.A.

San Francisco, Aug. 19.—Contracts have just been signed with KPO, KGO, KROW, and KQW by the American Federation of Radio Artists here, covering announcers, sound effects men and staff artists. Five-day, 40-hour weeks are provided, with slight pay increases for announcers. Negotiations are beginning with KSFO and KYA, only remaining local stations unsigned with the A.F.R.A.

Baltimore Outing Set

Baltimore, Aug. 19.—The Variety Club here will take its first cruise on Chesapeake Bay Wednesday. A private excursion boat has been chartered. A buffet supper will be served. Howard Burman of the club has arranged a four-page "gag" newspaper for distribution among the excursionists. Edward Perotka is chairman.

Fight Seattle Censor

Seattle, Aug. 19.—Mayor Arthur B. Langlie and the Seattle Board of Theatre Supervisors have been cited in Superior Court to show cause why they should not be restrained from interfering with the showing of "Doped Youth," a state right film being distributed here by Clarence Wicks.

Women Ask Previews

Philadelphia, Aug. 19. — Mrs. Harry B. Miller, newly appointed chairman of the Motion Picture Department of the Philadelphia Federation of Women's Clubs, has asked exhibitors and exchanges to provide several previews during the year of "worth while" pictures though they may not have popular appeal.

Off the Antenna

THE Radio Manufacturers Association reports that its National Television Systems Committee, organized July 31 in cooperation with the FCC, is making rapid progress in its technical studies under W. R. G. Baker, chairman, and Virgil M. Graham, secretary. Jan. 1 is the informal goal of the committee to complete its studies.

The Industry Committee has been completed, with the appointment of Ray H. Manson of Stromberg-Carlson, Dr. Ralph Brown of Bell Telephone Laboratories and Paul R. Raibourn, head of Paramount's television activities. Nine sub-committees, which are completing their personnel, and the sub-committee chairmen will meet at the Hotel Roosevelt tomorrow.

• • •

Purely Personal: Clem McCarthy will be heard daily over WHN in a *series as the Old Gold Sports Reporter. He will give results during the afternoon each day from 2 to 6 P.M. . . . Gail Patrick and Brian Aherne will be guest stars on the Kraft Music Hall show next Thursday. Miss Patrick will replace Elsa Lanchester, originally scheduled to appear. . . . Les Qualey has been visiting the Schenectady-Albany area, lining up football broadcasts. He is in charge of Atlantic Refining Co. sports announcers for N. W. Ayer Agency.*

• • •

General Electric Co. is distributing a new 16-page short-wave station guide, which lists several hundred stations, their frequencies and call letters. The booklet contains operating schedules of stations throughout the world. It is printed in Spanish, English and French.

• • •

Program News: *General Foods has renewed over 75 CBS stations the Kate Smith Hour, off for the Summer, to be heard Friday 8 to 8:55 P.M. with a repeat at midnight, starting Oct. 4. . . . "We the People" has been renewed and will continue Tuesday nights, 9 to 9:30, with a midnight repeat, over 81 CBS stations. . . . a New CBS concert series conducted by Bernard Herrmann, Wednesdays, 9:30 to 10 P.M., starts tomorrow, as a sustainer. . . . Arch Oboler will return to NBC on Oct. 4, with a Friday 9:30 to 10 P.M. series, "Everyman's Theatre," for Procter & Gamble, to be heard over 54 stations of the Red network. The shows will originate here, in Hollywood and in Chicago.*

• • •

In line with the separation of NBC sales organizations, Vice-President Albert Nelson of KGO and KPO, San Francisco. has named Gene Grant to head sales for the Blue network and Harry Bucknell for the Red. William Ryan remains as general sales manager.

Republic Assigns Record Ad Budget on 'Hit Parade'

HOLLYWOOD, Aug. 19. — The highest advertising and publicity budget in Republic's history has been set by board chairman H. J. Yates for "Hit Parade of 1941." Yates has extended his stay at the studio from three to eight weeks, and will set up quarterly production schedules during his stay.

• •

With a supporting cast headed by Diana Lewis, Marion Martin, Walter Woolf King and Robert Barratt, the Marx Brothers have started their third M-G-M picture, which is also their first period story, being laid in 1870. The comedians will employ frontier garb but keep their own facial makeup for "Go West." . . . Larry Darmour has signed principals for the first of the "Ellery Queen" detective stories he is producing for Columbia. Margaret Lindsay has the feminine lead and Ralph Bellamy will portray the title character.

• •

Due to production delay occasioned by William Boyd's broken leg, Harry Sherman may double up on production of the next two "Hopalong Cassidy" pictures, with Boyd, Russell Hayden and Andy Clyde "bicycling" between two units. . . . Franz Waxman, M-G-M composer and scoring director, has received a new long term contract. . . . Manny Seff has reported to M-G-M to start work on the screenplay for his story "Married Bachelor," which John W. Considine will produce.

• •

Erich Pommer is completing the editing of two of his pictures, "They Knew What They Wanted," with Carole Lombard and Charles Laughton, and "Dance, Girl, Dance," with Maureen O'Hara. . . . Alexander Korda has written an original screenplay, which he will direct and produce, for Merle Oberon. The story is called "I Have Been Here Before," this title coming from the poem by Dante Gabriel Rossetti.

• •

Horace Heidt and his band have arrived from Chicago for a mid-September start on "Pot o' Gold," in which they will be featured by Globe Productions. . . . Sabu has left for a series of personal appearances in connection with "The Thief of Bagdad."

• •

Next co-starring vehicle for William Powell and Myrna Loy is to be "Strange Honeymoon," romantic comedy based on a Jacques Deval play. The story has a Reno and Sun Valley setting. . . . Leo Tover has received a new Paramount contract for his work in filming "The Quarterback" and "Victory," . . . Allen Rivkin has been assigned by Warners to write an original screenplay for "We're In the Army Now." . . . Teaming for the first time, Gus Kahn and Nacio Herb Brown are writing the music for M-G-M's "Ziegfeld Girl," which Pandro Berman will produce.

Keep the Change

ALBANY, Aug. 19.—Owen Holmes, operator of the Auto Vision outdoor theatre near here, was seated in the ticket office the other night, when a patron proffered a $50 bill and said, "Keep the change."

Investigation revealed that the patron was Steve Williamson, Coast technician, to whom Holmes had loaned $50 about 25 years ago, when he started West.

Hearing on Brown Is Off Until Friday

Washington, Aug. 19.—Because witnesses scheduled to be heard tomorrow will be unable to appear, the Senate Interstate Commerce Committee tonight called off its hearing on the renomination of Thad H. Brown as a member of the Federal communications commission.

The next hearing will be held Friday, when J. Austin Smith, author of a financial report attacking RCA, is expected to give further testimony regarding the situation which led to the preparation of the report and its contents, which have been challenged by both RCA officials and Senator Charles W. Tobey.

Alabama Schools to Use Teaching Films

Birmingham, Ala., Aug. 19.—Organized visual education will come to Alabama schools for the first time during the coming school year through a newly organized circulating library of sound films by Birmingham-Southern College. The talking films will be sent from one school to another to illustrate lessons from textbooks and newspapers.

This latest step in visual education will be available for primary grades, high schools and colleges. Sixty-five films have been purchased for distribution during the first year.

Warners to Screen Shorts on Thursday

Warners will hold a screening of 1940-'41 short subjects here at 2:30 P. M. Thursday for the New York exchange sales staff, bookers and exhibitors. Similar screenings will be held in Warner branches throughout the country.

DeSylva Plans Musical

Chicago, Aug. 19.—B. G. DeSylva, film producer, disclosed here he is planning a Broadway musical, "Panama Hattie," with Ethel Merman, James Dunn, Arthur Treacher and Joan Carroll. DeSylva is due back in Hollywood Nov. 15 to start on a Bing Crosby-Bob Hope picture for Paramount.

Republic Seeks Dismissal

Republic Pictures Corp. and Republic Productions, Inc., will apply today to Federal Judge Edward J. Conger for an order dismissing the suit of Marquis James for alleged plagiarism of the latter's book, "The Raven, a Biography of Sam Houston" in the Republic film, "Man of Conquest."

DO NOT RE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICT
DAILY

First in
Film and
News

M. P. PRODUCERS &
DISTRIBUTORS OF AM., INC
28 WEST 44TH ST.,
NEW YORK,
N. Y.
(3 COPIES

VOL. 48. NO. 37 NEW YORK, U. S. A., WEDNESDAY, AUGUST 21, 1940 TEN

Protest Delay On Releases For Toronto

Subsequent Runs Want Clearance Changed

TORONTO, Aug. 20.—Operators of subsequent run theatres in Toronto have been registering strong complaints over the continued delay in picture releases, claiming that a considerable number of features and shorts become obsolete before they are available to neighborhood houses.

Pictures with stories or themes dealing with the war are said to be out of date before they reach the suburbs and cannot be played because of the quickly changing war scene in Europe. Other pictures featuring popular song hits are no longer attractive because the songs are not in public favor by the time that small independent theatres can play them. A considerable loss in receipts and prestige is claimed by the exhibitors and a loss is also sustained by the film exchanges on this account, it is argued.

Organized independents contend that clearance now means a period of at least six months and a plea has been made for the completion of organization details of the new conciliation board plan in Canada, which has been approved by the independents, circuit and distributors, so that the release of all pictures can be speeded up.

Some Toronto exhibitors cannot book more than one or two pictures ahead, it is declared, because of the scarcity of films, but an improvement is expected with the Fall releases.

Zagrans, Braeunig Get New RKO Posts

Charles Zagrans has been appointed branch manager at Philadelphia for RKO by Ned Depinet, vice-president in charge of distribution. Zagrans, who was office manager, succeeds F. L. McNamee, who resigned after 18 years with RKO to enter another business. Vincent O'Donnell, head booker in Philadelphia has been named to succeed Zagrans. The changes are effective next Monday.

Adolph F. Braeunig, office manager in the RKO Cleveland branch, has been promoted to home office representative, filling the place left vacant by the transfer of John A. Downing to Boston as office manager. Braeunig will cover Cleveland, Cincinnati, Pittsburgh and Indianapolis. He has been succeeded in Cleveland by L. E. Blumenfeld.

British Circuits Set Higher Price Scale With 9-Pence Base

LONDON, Aug. 20.—English theatre circuits today made known through the Cinematograph Exhibitors Association their agreement on a new scale of admissions, to become effective on Oct. 6. Opposition to the scales is expected from some independents.

Substantiating forecasts of the new scale published recently in MOTION PICTURE DAILY, the minimum admission is disclosed at nine-pence, with one shilling, two-pence and one shilling, nine-pence as the chief prices in first run theatres. The scale also includes price of one shilling, one shilling, six-pence and two shillings, six-pence. Prices in individual situations are to be selected from this range of six different prices.

Theatres now operating on a scale of six-pence, nine-pence and one shilling will operate under the new policy with eight-pence, one shilling, and one shilling, two-pence. Other areas now using a six-pence minimum will change to a minimum of eight-pence or nine-pence.

Fund from U.S. Firms Is Given to Kennedy

LONDON, Aug. 20.—Headed by Fayette Allport, representative here of the Motion Picture Producers and Distributors of America, a deputation of American film men today presented to U. S. Ambassador to England Joseph P. Kennedy, a check for £16,000 ($64,000).

The money, the contribution of American companies operating in England, will be used to assist organizations working to relieve and protect the English civilian population.

'Wind' Broadcasts On CBS Start Oct. 1

"Gone With the Wind" will be broadcast in serial form over 70 CBS stations starting Tuesday, Oct. 1 at 9:30 P. M. and weekly thereafter for a half-hour show, according to Hal Kemp, radio director of Stack-Goble, advertising agency.

Carlo D'Angelo will direct the series. The cast will be headed by Helen Claire, Don McLaughlin and Joan Banks. Vicks Chemical Co. purchased the radio rights from Edward Wolfe, an agent, who had previously negotiated a deal with Selznick International.

Stress Showmanship At Midwest Meeting

KANSAS CITY, Aug. 20.—Showmanship and efficiency in operations will continue to be the general policies of Fox Midwest Theatres, operating more than 100 houses, according to discussions at the ninth annual convention of the circuit at the Hotel Muehlebach here.

Spyros Skouras, head of National Theatres, parent circuit of the Midwest division, and Charles Skouras, manager of Fox West Coast, Los Angeles, are here for the meeting, which started today. Attending are 150 manger and executives from Kansas, Missouri, Southern Illinois and Iowa.

Elmer C. Rhoden, Fox Midwest division manager, outlined plans for the coming year at the opening session this morning. Tomorrow's program will include district meetings, presentation of prizes in the Skouras Showmanship campaign and a golf tournament, followed by a steak dinner at Rhoden's Starlane estate.

Hollywood Groups Press Cong. Dies For Hearing on Communism Charges

Hollywood, Aug. 20.—Screen Actors Guild today telegraphed Congressman Martin Dies, who is in San Francisco, the complete texts of wires received from Lucille Ball, Frances Lederer, Lionel Stander and Jean Muir, who volunteer to testify in denial of charges of Communist affiliation, sympathies or contributions to the movement.

Following the stand already taken by the actors' guild and the Producers' Association, the Screen Writers Guild, through its executive board, last night denounced "recent actions of State's Attorney Buron Fitts and Congressman Dies" in connection with Communism charges against Hollywood talent.

San Francisco, Aug. 20.—Congressman Dies late today cleared James Cagney, Humphrey Bogart, Fredric March and Philip Dunne of Communist sympathies. The Congressman previously had conferred with Cagney.

Compromise Weighed in 'Big 5' Peace

But 20th-Fox Reasserts Escape Clause Stand

Industry officials and Government authorities are studying the chances of compromising, at least in principle, with 20th Century-Fox and Paramount, following yesterday's mediation meeting of the Big 5, which was held at the Hays office. Twentieth Century-Fox reasserted its stand at yesterday's meeting for an absolute and automatic escape clause, and Paramount continues to study the situation. Should these two firms stick to their positions, Loew's, RKO and Warners may sign the Government's peace terms, anyway.

At yesterday's meeting, the assenting companies made no counter offers of peace, and 20th Century-Fox and Paramount only stated their stands.

Sidney R. Kent, Barney Balaban, Nicholas M. Schenck, George J. Schaefer and J. Robert Rubin were among those who attended yesterday's meeting.

Until the session, the assenting companies' only information regard-

(*Continued on page 3*)

Kent, Wobber to 'Young' Premiere

Sidney R. Kent, president of 20th Century-Fox, with Mrs. Kent, will head a delegation of company executives attending the world premiere of the company's film, "Brigham Young" in Salt Lake City on Friday. Mr. and Mrs. Kent left last night by train. Herman Wobber, general manager of distribution, will leave here by plane for Salt Lake City tomorrow with Walter J. Hutchinson, in charge of foreign sales.

Darryl F. Zanuck, vice-president in charge of production; Mrs. Zanuck, Mr. and Mrs. William F. Goetz, Jason Joy and Louis Bromfield will fly from Hollywood Friday morning to attend the opening. A group of Hollywood players will attend, visiting each of the six Salt Lake City theatres in which the film will be shown simultaneously. A luncheon will be held Friday at the Lion House, former home of Brigham Young.

$500,000 by FWC On Improvements

Los Angeles, Aug. 20.—Fox West Coast will spend more than usual this year for repairs and rehabilitation of theatre properties. The circuit has under way a program of improvement at 10 California houses, in addition to construction of two theatres. Work started so far this year calls for an expenditure of about $500,000. A normal year's outlay is several hundred thousand dollars.

British Production Carrying On: Kane

HOLLYWOOD, Aug. 20.—Robert T. Kane, until recently head of British production for 20th Century-Fox, said today that production is continuing in London despite intensification of the war. Of four films on the 20th Century-Fox British program, one is finished, one will be completed in 10 days and two are in preparation, he said. Kane has been here six weeks and will remain to make two pictures for the company.

U. A. Circuit Dividend

Regular quarterly dividend of $1.25 a share on the five per cent preferred stock was declared yesterday by the directors of United Artists Theatre Circuit, Inc. The dividend is payable Sept. 15 to stockholders of record Sept. 3.

Personal Mention

LEONARD GOLDENSON, Paramount theatre department executive, will leave for Washington today.

•

JOHN HOWLEY of Donovan, Leisure, Newton & Lumbard is in Canada for a vacation.

•

ADOLPH SCHIMEL of Universal is confined to his home with a cold.

•

TERRY TURNER, manager of the RKO field staff, has left for Little Rock, Ark.

•

LARRY GRAVER, Warner Theatres' district manager in Philadelphia, is recovering from an operation at Lankenau Hospital.

•

GERTRUDE MERRIAM of the *Motion Picture Herald's* Managers' Round Table is vacationing in upstate New York.

•

MARY LOUISE WALLISER, film critic for the *San Antonio Express*, is vacationing in the Colorado Rockies.

•

MAXWELL WEINBERG, manager of the Little Theatre, Baltimore, was in town yesterday.

•

CHARLES BIERBAUER, managing director of the Colonial and State, Allentown, Pa., is driving to Florida for a vacation and plans to return by plane.

•

C. C. PIPPIN, M-G-M salesman in Philadelphia, sustained a broken arm in an auto accident.

A. M. GEORGER, comptroller of United Artists Theatre Circuit, has returned from Maine.

•

ALFRED HARDING, editor of *Equity*, official organ of Actors Equity, left yesterday for a two-week vacation.

•

DAVE SEAMON, manager of the Forum, Philadelphia, in cooperation with leading merchants, played host to 1,000 youngsters at an annual picnic at Wissinoming Park.

•

THEODORE ROUTSON, manager of the Hippodrome, Baltimore, leaves at the end of the week for a vacation.

•

J. J. BERGIN, 20th-Fox booker in Philadelphia, and JAMES A. FLYNN, Columbia circuit booker there, are back from a Canadian trip.

•

MARSHALL SLADE, chief of service at the Stanley, Baltimore, is assistant manager while NORRIS NELSON is vacationing.

•

JACK GOETZ, CHARLES STERN, JAMES MULVEY, ARTHUR SILVERSTONE, ABE SCHNEIDER, MORTIMER WORMSER, J. J. MILSTEIN, IRVING LESSER, JOE E. LEWIS at Lindy's (51st St.) for lunch yesterday.

•

JACK COHN, MAX WEISFELDT lunched yesterday at Lindy's (next to the Rivoli).

•

STANTON GRIFFIS, AUSTIN KEOUGH, WILLIAM SCULLY, CLAYTON BOND, ALEC MOSS, VINCENT TROTTA, ARTHUR MAYER, TOBY GRUEN, SIDNEY PHILLIPS, ALEXANDER INCE, JOHN GOLDEN, LEE SHUBERT, JIMMY SAVO, MARTIN BECK, JOHN HERTZ, JR., EDWARD E. HORTON at Sardi's yesterday for lunch.

•

WILLIAM F. RODGERS, TOM CONNORS, EDWARD SAUNDERS, ROBERT WOLFF, JOHN HICKS, JR., RUSSELL HOLMAN, JOSEPH UNGER, JOHN ELLIOTT, MORRIS KINZLER, LOUIS WEINBERG, JOSEPH MOSKOWITZ lunched yesterday at Nick's Hunting Room at the Astor.

•

MARTIN QUIGLEY, LESTER HAMMIL, LOUIS POLLOCK, RODNEY BUSH, MO WAX, FRED J. MCCONNELL, PAUL LAZARUS, SR., MAURICE BERGMAN, CHARLES CURRAN, OSCAR DOOB, MURRAY SILVERSTONE, ARTHUR KELLY, EDWARD C. RAFTERY, BUDD ROGERS, WILLIAM FITELSON, MORT SPRING, JULIAN ABELES, ALBERT MARGOLIES, HANK LINET, I. E. LOPERT at the Tavern for lunch yesterday.

3 More 3rd Week 'Boom' Holdovers

"Boom Town" has been held over for a third week in three additional situations, according to M-G-M. The new holdovers, which make a total of seven, are in Cincinnati and at the State and Chinese in Los Angeles.

Circuit Sets Dividend

TORONTO, Aug. 20. — Hamilton United Theatres, Ltd., operating three theatres in Hamilton, Ont., as units of the Famous Players circuit, has declared a dividend of 1¾ per cent on the preferred shares for the current quarter, payable Sept. 30.

CALIFORNIA
TEXAS ★ ARIZONA

4 FLAGSHIPS DAILY COAST-TO-COAST

★ It's a delightfully cool overnight skysleeper trip to Los Angeles via American's Southern All-Year Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAvemeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES
The Sun Country Special 7:05 am
The Plainsman . . . 4:25 pm
The Mercury . . . 5:10 pm
The Southerner . . . 10:15 pm
(Standard Time)
Twice Daily to
MEXICO CITY

AMERICAN AIRLINES Inc.
ROUTE OF THE FLAGSHIPS

Newsreel Parade

THREE news events of international significance occupy the major share of attention in all the newsreels' midweek editions. The acceptance speech of Wendell Willkie, President Roosevelt's Canadian defense conference with Prime Minister King and the invasion warning of U. S. Ambassador Bullitt are spotlighted, while the affable Windsors are pictured assuming their official duties in the Bahamas.

MOVIETONE NEWS, No. 999—Willkie makes acceptance speech in Indiana. Roosevelt and Canada's Prime Minister discuss defense. Ambassador Bullitt warns of invasion threat. The Windsors take up duties in Bahamas. New parachute plane shown at Augusta, Me. Lew Lehr. Travers Stake race at Saratoga. Gold Cup regatta at Northport, L. I.

NEWS OF THE DAY, No. 297—Willkie opens Republican campaign. Roosevelt discusses Canada defense with Prime Minister. Bullitt serves warning of invasion possibility. Windsors take posts in Bahamas. Ballroom barrage in England bags a Nazi raider. Jalopy derby held at Albany, N. Y.

PARAMOUNT NEWS, No. 102—Willkie accepts nomination. Roosevelt concludes defense pact with Canada. Ambassador Bullitt issues invasion warning. Windsors take up Bahama duties. Ku Klux Klan rallies with German Bund members. National women's swimming meet. Gold Cup regatta at Northport, L. I.

RKO PATHE NEWS—No. 114—Willkie takes opening shot in campaign. Canada-U. S. defense pact formulated. Bullitt warns the nation on possible invasion. Windsor sworn in as Governor-General of Bahamas.

UNIVERSAL NEWSREEL, No. 903—Willkie's acceptance speech. Roosevelt and Prime Minister arrange Canadian defense pact. Parachute plane demonstrated at Augusta, Me. Windsor sworn in as Governor-General of Bahamas. Gold Cup regatta at Northport, L. I.

See Big Philadelphia Legitimate Season

PITTSBURGH, Aug. 20.—The Nixon expects its best season in years, manager Harry Brown predicted before leaving for New York, to book more plays.

Definitely set are "Too Many Girls," Helen Hayes in "Twelfth Night," Lunt and Fontanne in "There Shall Be No Night," and "Life With Father." Secretary Dorothy O'Connell of the American Theatre Society reports that subscriptions this year are on a par with last year's at this date. More than 4,000 subscriptions were sold here last year, for the city's only legitimate theatre.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4. Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

A Lot of Bull

NEWARK, O., Aug. 20.—A "theatre fair," believed to be the first of its kind in the country, will be held at Shea's Midland here Thursday afternoon and evening, when the Licking County Jersey Cattle Club and its affiliates will judge a number of cattle to be paraded across the theatre stage in competition for superior points.

Council of Equity Rejects Wage Rise

A proposal to raise actors' salary minimums from $40 to $50 weekly was voted down by the council of Actors Equity at a stormy meeting yesterday after a committee report had been presented favoring the move. The committee report was tied up with several other proposals which were not disclosed. The entire matter will probably come up again on Sept. 27 when a quarterly meeting of the membership will be held at the Hotel Astor.

The council postponed action on the request of the League of New York Theatres for permission to hold Sunday shows on Broadway without being required to pay double wages. The present Equity regulations require double pay.

James F. Reilly, executive secretary of the League, Milton Weinberger, its attorney, and Lee Shubert, Martin Beck and Brock Pemberton, producers, attended yesterday's meeting and advised the council that Sunday shows had been approved by the stagehands and musicians and asked Equity to take similar action. Because of the long discussion on the minimum salaries, the question of Sunday shows was postponed until Sept. 10, when it will be a special order of business.

UA Enters Denial In Schine Action

BUFFALO, Aug. 20.—United Artists today entered a general denial of Government allegations in filing its answer to the bill of complaint in the Federal anti-trust suit here against the Schine circuit and major companies.

The answer, prepared by O'Brien, Driscoll & Raftery, New York counsel for the company, asked a judgment dismissing the complaint.

Answers were filed last Saturday by Paramount, Loew's, 20th Century-Fox, RKO and Warners. Universal and Columbia have until Sept. 3 to file their answers.

Quits Astor Pictures

O. K. Bourgeois has resigned as general sales manager of Astor Pictures in New York and has acquired the Astor franchise in Texas, Arkansas and Oklahoma, with headquarters in Dallas.

Larry Clinton in Short

Larry Clinton and his orchestra are featured in a Paramount "Headliner" short being completed at Eastern Service Studios under direction of Leslie Roush. Bill Steiner is the cameraman.

Critics' Quotes . . .

"PRIDE AND PREJUDICE" (M-G-M)

As full of pathos and humor as when Jane Austen wrote it.—*Laura Lee, Philadelphia Bulletin.*

A gentle, entrancing photoplay . . . sumptuously produced by M-G-M and it is every bit as wise and humorous as its stage original.—*Henry T. Murdock, Philadelphia Ledger.*

Collectively, the cast contributes much toward turning the age-browned pages of the Austen novel into a lively film, marked for the hit parade.—*Elsie Finn, Philadelphia Record.*

Entertaining escapist stuff . . . M-G-M has given it a production as gracious to the eye as a lacy Valentine, a cast that does complete justice to its quaint charm and often catty diologue; while Robert Z. Leonard has provided tongue-in-cheek direction that maintains the spirit of the novel without ever quite permitting his players to descend to broad burlesque.—*Mildred Martin, Philadelphia Inquirer.*

Has just the light quizzical attitude that was imperative, if the dated story was to go over with a swingtime audience, and the acting, clever, potent, but never unduly emphasized, blends in with the richly authentic backgrounds and costumes so as to make the whole seem a living tapestry.—*Chicago Tribune.*

A gay and delightful film.—*Doris Arden, Chicago Daily Times.*

It is very entertaining and amusing, well acted. . . . Everybody should enjoy it and especially the older generation.—*Pence James, Chicago Daily News.*

The story is fairly simple and without many tense moments . . . benefited by many a good directorial touch . . . the picture is recommended.—*Garrett D. Byrnes, Providence Journal.*

"YOUNG PEOPLE" (20th-Fox)

A bright, lively and entertaining saga, somewhat on the fabulous side.—*W. E. Oliver, Los Angeles Herald Express.*

Some peppy tunes . . . Miss Temple's farewell to her public in "Young People," whether it be temporary or lasting, with odds to the former, is accomplished in a good picture.—*Harry Mines, Los Angeles Daily News.*

Director Allan Dwan maintains a decisive tempo throughout . . . there's life in the young girl yet.—*Philip K. Scheuer, Los Angeles Times.*

If you are a Temple fan, "Young People" will please you because you will see the same Shirley you have admired since her babyhood. If you are not, you will find much to entertain you.—*Los Angeles Examiner.*

"MY LOVE CAME BACK" (Warners)

Here is as smooth a blend of the sly and the mischievous with the sweet and the sentimental as Hollywood comedy usually affords, and thoroughly delightful it all is, too.—*Gilbert Kanour, Baltimore Evening Sun.*

The writers have taken some innocent situations, made them look sophisticated and out has popped a gay little comedy. We feel that you will have an enjoyable time.—*Norman Clark, Baltimore News-Post.*

"THE BOYS FROM SYRACUSE" (Universal)

We think you'll enjoy its humor. . . . It is good-natured fun.—*Philadelphia Ledger.*

Those who like their fun sophisticated will get a few laughs, but fans who dote on a daily chain of gags, no matter how obvious or how often repeated, will find this a riot.—*Laura Lee,, Philadelphia Bulletin.*

Our neighbors at the theatre almost danced in the aisles in celebration of its obvious humors.—*Gilbert Kanour, Baltimore Evening Sun.*

A humdinger . . . presented with more than typical Hollywood lavishness. . . . A comedy masterpiece.—*Rita Swann, Baltimore News-Post.*

West Indies Face Strict Enforcement of Quota Law

Strict enforcement of the exhibitor quota laws in British Guiana and the British West Indies has been ordered despite war conditions, according to Saul Jacobs, Paramount manager for that territory, who arrived in New York from Trinidad yesterday for a home office visit.

Jacobs said that during the past three years exhibitors in the territory had found it difficult to comply with the quota law, which requires them to use British product equivalent to 20 per cent of their total bookings. After scores were prosecuted for quota delinquencies recently, the Government suspended penalties with the warning that the quota laws would be strictly enforced henceforth. To meet the new situation, the exhibitors, about 85 in number, are forming a cooperative film importing company to provide them with sufficient British product to meet the quota requirements.

It is reported, Jacobs said, that the new organization closed a first deal recently for 30 Gaumont British films.

High building costs in the territory have acted as a deterrent to new theatre construction activity, Jacobs said, and also forced the abandonment recently of plans for erection of a film center building in Trinidad for American distributors.

A wartime restriction on export of currency, equivalent to the freezing of 35 per cent of distributors' revenue, was recently invoked in the territory. The war has not affected business materially, Jacobs said, but the importation of Indian films is increasing. Three-fourths of the population of the territory is Hindu.

Compromise Weighed in 'Big 5' Peace

(*Continued from page 1*)

ing the position taken by 20th Century-Fox and by Paramount came from the Government and the trade press. Yesterday, for the first time, the assenting companies officially were told what 20th Century-Fox and Paramount were fighting for.

In signing a separate peace, Loew's, RKO and Warners expect the Government to waive all issues and relieve them of all trial costs; suspend the decree and waive all other anti-trust suits now pending against them everywhere.

It is expected that discussions among the Big 5 will be resumed today.

The scheduled session between the Government and the assenting companies was called off yesterday. No reason was given.

Writers Meet With Producers' Group

HOLLYWOOD, Aug. 20. — Screen Writers Guild bargaining committee met tonight with the producers' committee following a Guild general meeting last night at which the executive board asked the committee to take a definite stand.

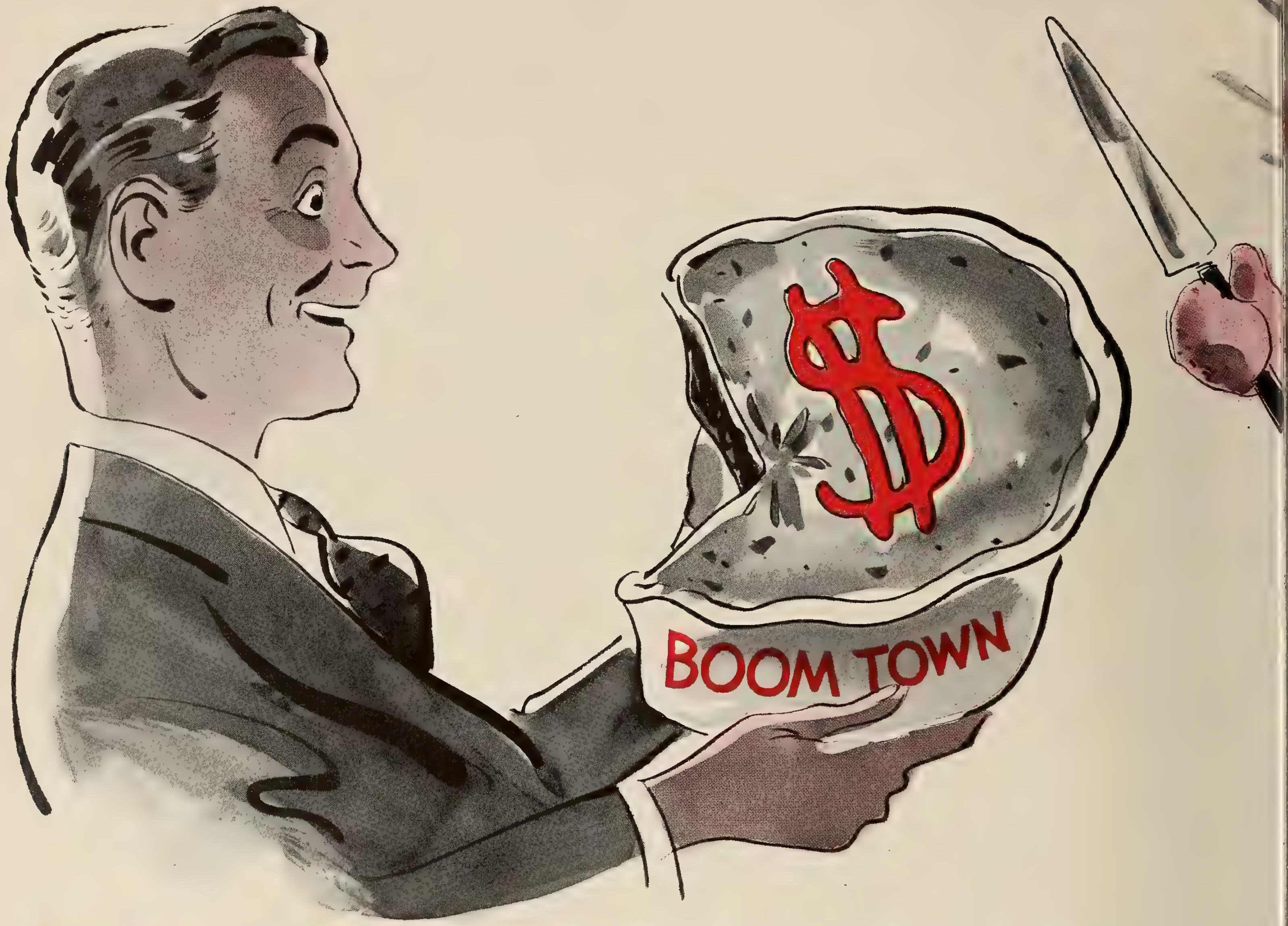
The committee was instructed to demand that the producers sign a six-months' minimum contract previously agreed to in principle or reopen negotiations. The contract provides for 80 per cent Guild shop, a ban on speculative writing, apointment of a grievance committee, and would give the Guild the right to negotiate screen credits.

At tonight's meeting the Guild was represented by Sheridan Gibney, president; Boris Ingster, Dore Schary, Mary McCall, Jr., Ralph Block, Charles Brackett, and Leonard Janofsky, attorney. The producers' committee includes Mendel Silberberg, attorney; Y. Frank Freeman, George Cohen, Herbert Preston, E. J. Mannix, J. R. McDonough, Cliff Work and H. M. Warner.

Arnold Nominated As SAG President

HOLLYWOOD, Aug. 20.—Screen Actors Guild at a meeting last night nominated Edward Arnold for president; George Murphy, first vice-president; Paul Harvey, second vice-president; Walter Abel, third vice-president; Lucile Gleason, recording secretary, and Porter Hall, treasurer. The elections are slated for mid-September.

The Guild adopted a resolution to "stand squarely behind the American Guild of Musical Artists in resisting encroachment on its jurisdiction." Lawrence Tibbett, AGMA president, discussed with the SAC board the demands made by James C. Petrillo, president of the American Federation of Musicians, that his union include all musicians.



MR. EXHIBITOR GETS THE BIGGEST SHARE OF THE "BOOM TOWN" DOLLAR PIE!

Oh Boy! How the money rolls into the box-offices of theatres that are playing this phenomenal M-G-M attraction at advanced prices! You're next, Mister Showman!

"CUT YOURSELF A BIG PIECE OF 'BOOM TOWN'!"

Here are the amazing figures up to Friday!

("Boom Town" grosses in 9 key situations are compared with grosses of M-G-M's biggest previous hits in same situations, same number of days.)

"BOOM TOWN"	THURSDAY	FRIDAY
BEATS "SAN FRANCISCO"	by $35,795	by $37,640
BEATS "TEST PILOT"	by $43,654	by $45,014
BEATS "BOYS TOWN"	by $45,961	by $49,928
BEATS "BABES IN ARMS"	by $51,489	by $56,484
BEATS "NORTHWEST PASSAGE"	by $58,604	by $65,474

And below are latest figures!

"BOOM TOWN"	THURSDAY	FRIDAY	MONDAY
Beats "San Francisco"	by $35,795	by $37,640	by $37,610
Beats "Test Pilot"	by $43,654	by $45,014	by $47,392
Beats "Boys Town"	by $45,961	by $49,928	by $50,544
Beats "Babes In Arms"	by $51,489	by $56,484	by $57,033
Beats "Northwest Passage"	by $58,604	by $65,474	by $66,977

HELD OVER A THIRD WEEK!

AS we go to press! Imagine this!
7 out of 9 test engagements
HELD over for 3d advanced-price week!
BUSINESS was so terrific in the first few days
OF the second week (9 *out of* 9 *held over!*)
THAT a 3d advanced-price week is essential!

YOUR TOWN WILL SOON BE A "BOOM TOWN"!

FLASH!

Oklahoma City, a new "Boom Town" advanced-price test engagement, in 4 days beats 7 days of "San Francisco," "Test Pilot," "Boys Town," "Babes in Arms," "Northwest Passage" and many others.

Switched to Films

KANSAS CITY, Aug. 20.—For 15 years S. J. Whitmore, head of the Hotel Muehlebach, took a daily 2-hour motor car ride at 3 P. M. Five years ago he switched to films for his daily "constitutional" because they're "restful, entertaining and cool."

Threat of New Tax Fades in Ontario

TORONTO, Aug. 20.—Official announcement has been made by Prime Minister Mitchell Hepburn that the finances of the Province of Ontario are such that no new taxation to finance war, unemployment relief or other projects is contemplated and that no session of the legislature will be called in the Fall unless an emergency arises.

Previously there had been an intimation from the Ontario Government that the amusement tax would be restored as a war measure after an absence of the admission levy for three years. Hepburn declared that current revenues are meeting budget requirements in spite of loss of income due to increased war imposts of the Federal Government which had cut into the provincial field.

Music Hall Files Test Suit on Security Tax

Radio City Music Hall Corp. yesterday filed a test suit in the U. S. District Court against the U. S. Government to recover $1,079 which the company claims was an excess payment of its 1938 tax under the Social Security Act.

The plaintiff states that the tax was assessed on the salaries of star performers such as Jan Peerce and Henrietta Schumann and on specialty acts such as Buck and Bubbles and Tip, Top, Toe which supplement the permanent troupe. The plaintiff contends that they were specialty entertainers and as such independent contractors and not employes for which the company is subject to tax.

AFRA Certified at KXOK in St. Louis

WASHINGTON, Aug. 20.—The St. Louis branch of the American Federation of Radio Artists was certified today by the National Labor Relations Board as the sole collective bargaining agency for the regular staff, freelance actors, singers and announcers employed at KXOK, St. Louis.

The board action was based on a secret election held July 31, which resulted in a unanimous vote for A.F.R.A. The station is owned by the *Star-Times* Publishing Co.

Para. Leads League

Paramount is still leading the Motion Picture Baseball League in the second half of the season's series, with three games won and none lost. Skouras and M-G-M are tied in second place, followed by Universal.

Titling French Film

Ralph Roeder has been assigned to write the titles for Robert Mintz's new French picture, "Le Chemineau," to be released in the early Fall.

Off the Antenna

THE marketing department of the N. Y. U. School of Commerce announced yesterday an apprenticeship course in radio to be conducted in cooperation with WMCA. Fifteen students in the advanced radio courses conducted by the School will be selected this Fall to serve as apprentices with the station.

There will be assignments in the production department, script writing, publicity, promotion, news, announcing and sales. In addition, students with special training will be permitted to work in the music and engineering departments.

The students will work at the station for one semester. An effort is being made to organize a placement committee which will aid the students in finding employment at the completion of their training.

• • •

Purely Personal: *Lyle Talbot will do a thrice-weekly Hollywood gossip show over WHN beginning Sept. 3 under sponsorship of National Shoe Stores. The program will be known as "Your Hollywood Informer," will have a tieup with* Motion Picture *magazine and will run 52 weeks. . . . Nat Berlin has been added to the WNEW continuity department. . . . Nancy Sheridan, wife of Dick Bard, WNEW publicity director, has been signed by Warners for "Jupiter Laughs," forthcoming Broadway production. . . . Gray Gordon, composer of "I'm an American," will be guest of Charles Baltin over WHOM Saturday night. . . . Lester H. Schroeder, formerly with Blackett, Sample & Hummert, has joined the media department of Compton Advertising. . . . Bea Wain, vocalist on "Your Hit Parade," is vacationing at Shawnee, Pa.*

• • •

WMCA has completed construction on its new transmitter which will use 5,000 watts day and 1,000 watts night. The transmitter will be tested for two weeks between 1:30 and 6 A. M.

• • •

With the sale of the seven-minute spot from 7:06 A.M. to the Olson Rug Co. for "Oddities in the News," WOR is now sold solidly for its early morning hours from 6:55 to 9 A.M.

'Boom' at $20,000 Cincinnati Smash

CINCINNATI, Aug. 20. — "Boom Town" established a record at the higher admissions on the first week of its test run at the RKO Capitol, where it grossed a tremendous $20,000. Indications are that it will continue for several weeks. "The Walt Disney Festival" had a good week with $4,900 at the RKO Lyric. Weather extremely hot. Local baseball games provided additional competition.

Estimated takings for the week ending Aug. 14-17:

"The Ramparts We Watch" (RKO)
RKO ALBEE—(3,300) (39c-47c) 7 days. Gross: $9,000. (Average, $12.000)

"The Man I Married" (20th-Fox)
RKO PALACE—(2,700) (39c-47c) 7 days. Gross: $8,900. (Average, $10,000)

"Boom Town" (M-G-M)
RKO CAPITOL—(2,000) (42c-60c) 7 days. Gross: $20,000. (Average, at 39c-47c, $6,500)

"The Walt Disney Festival" (RKO)
RKO LYRIC—(1,400) (33c-42c) 7 days. Gross: $4,900. (Average, $5,000)

"Doomed to Die" (Mono.)
"Carolina Moon" (Rep.)
RKO FAMILY—(1,000) (15c-28c) 4 days. Gross: $1,100. (Average, $1,500)

"You're Not So Tough" (Univ.)
"South to Karanga" (Univ.)
RKO FAMILY—(1,000) (15c-28c) 3 days. Gross: $800. (Average, $900)

"Pride and Prejudice" (M-G-M)
KEITH'S—(1.500) (39c-47c) 7 days, 2nd week. Gross: $4.800. (Average, $6,600)

'Tomorrow,' Revue Get $15,000, Buffalo

BUFFALO, Aug. 20. — "Beyond Tomorrow," with "George White's Scandals," a revue, rang up $15,000 at the Twentieth Century. "We Who Are Young" and Ben Bernie and his orchestra, with Henry Armetta on the stage, drew $18,700 at the Buffalo.

Estimated takings for the week ending Aug. 17:

"We Who Are Young" (M-G-M)
BUFFALO—(3,489) (35c-40c-60c) 7 days. Ben Bernie and orchestra on stage, with Bailey Sisters, Donald Saxon, Johnny Barnes, Henry Armetta and The Three Arnolds. Gross: $18,700. (Average, $12,000)

"They Drive by Night" (W. B.)
"Golden Gloves" (Para.)
GREAT LAKES—(3,000) (35c-55c) 7 days. Gross: $8,900. (Average, $7,500)

"The Man I Married" (20th-Fox)
"Girl From Avenue A" (20th-Fox)
HIPPODROME—(2,100) (30c-40c) 7 days. Gross: $4,800. (Average, $6,800)

"Beyond Tomorrow" (RKO)
TWENTIETH CENTURY—(3,000) (30c-35c-50c) 7 days. George White's Scandals, stage revue, with Ben Blue, Ella Logan, Billy Hayes, Craig Mathues, The Kim Loo Sisters, Ross Wyse, Jr., the Knight Sisters, June Mann, Christine Forsythe, Fred Manatt, Fran English, Leila Hayes, Olga Corey, Elinor Counts and the Scandals girls. Gross: $15,000. (Average, $7,500)

"The Boys From Syracuse" (Univ.)
"Love, Honor and Oh Baby" (Univ.)
LAFAYETTE—(3,000) (30c-40c) 7 days. Gross: $4,400. (Average, $6,300)

Broadcast Music Negotiating for Film Companies' Use of Catalogues

Broadcast Music, Inc., is negotiating with film companies for the use of BMI music in pictures. BMI claimed yesterday one deal has already been set.

It was pointed out by BMI, which was organized by the broadcasting industry to fight Ascap, that a large part of the film exploitation comes from the playing of songs from pictures over the air. With broadcasters at present determined not to renew the Ascap contract which expires Dec. 31, it is pointed out that this source of publicity will be closed to film companies unless they use BMI songs. However, by using BMI music, the exploitation will be possible after Jan. 1, it was explained, and it is likely that broadcasters will do a good deal to push music from motion pictures.

Landmark Gone

Mexico City, Aug. 20.—Teatro Principal here, claimed to be the oldest theatre in the Americas, founded in 1752, is to be torn down and a skyscraper office building erected on its site.

Since a fire which killed 14 persons in 1932, the theatre has been a film house.

Wehrenberg, F.&M. Fight Triples Issue

ST. LOUIS, Aug. 20.—Fanchon & Marco is willing to discontinue triple bills here if the neighborhood theatres will drop giveaways, but Fred Wehrenberg, president of the M. P. T.O. of Eastern Missouri, has declared this arrangement is unsatisfactory.

The issue has come to the fore in a dispute over clearance. Fanchon & Marco has asked for an increase from 14 to 21 days between second and subsequent runs, which would affect the Wehrenberg-Kaimann circuit of 25 houses. To prevent a clearance extension, Wehrenberg threatens not to do business with companies which accede to F. & M.'s demands.

Wehrenberg has been negotiating with Harry C. Arthur, Jr., F. & M. general manager, which operates the St. Louis Amusement Co. neighborhood group, to discontinue triple bills at two houses. Wehrenberg said he offered to stop giveaways at his Apollo if F. & M. would stop triples at a house in the same neighborhood. However, Arthur insisted that all giveaways be abolished before he would discard triples, said Wehrenberg.

'Love Again' Draws $12,000, Providence

PROVIDENCE, Aug. 20.—Only bright spot in a dull week was the business at Loew's State where "I Love You Again" and "Out West With the Peppers," drew $12,000. Although temperatures moderated, continued good weather gave the nearby shore resorts advantage over the theatres.

Estimated takings for the week ending Aug. 14-15:

"I Love You Again" (M-G-M)
"Out West With the Peppers" (Col.)
LOEW'S STATE—(3,232) (28c-39c-50c) 7 days. Gross: $12,000. (Average, $11,000)

"The Man I Married" (20th-Fox)
"Manhattan Heartbeat" (20th-Fox)
MAJESTIC—(2,250) (28c-39c-50c) 7 days. Gross: $4,600. (Average, $7,000)

"Mystery Sea Raider" (Para.)
"Scatterbrain" (Rep.)
STRAND—(2,200) (28c-39c-50c) 7 days. Gross: $5,000. (Average, $6,000)

"Bullet Code" (RKO)
"Hunted House" (Mono.)
FAY'S—(1,800) (15c-28c) 7 days. Gross: $2,000. (Average, $2,500)

"Pride and Prejudice" (M-G-M)
"We Who Are Young" (M-G-M)
CARLTON—(1,526) (28c-39c-50c) 7 days, 2nd week. Gross: $1,900. (Average, $3,500)

"The Way of All Flesh" (Para.) (3 days)
"Slightly Honorable" (U. A.) (3 days)
"All This, and Heaven Too" (W. B.) (4 days)
"Mad Men of Europe" (Col.) (4 days)
EMPIRE—(2,200) (20c-28c) 2nd run. Gross: $1,500. (Average, $1,700)

Desch Joins RKO

KANSAS CITY, Aug. 20.—Douglas Desch, formerly branch manager here for Gaumont-British, later for Grand National, and until a few months ago, for Monogram, has gone to Dallas as office manager for RKO.

'They Drive' Pulls $15,000 Loop Gross

CHICAGO, Aug. 20.—"They Drive by Night" scored a good $15,000 at the Roosevelt. "Gambling on the High Seas," aided by a "name" stage show with Eddy Howard and Jackie Coogan, took $22,000. "Phantom Raiders" drew $16,000 at the State-Lake with Count Basie and his band.

Estimated takings for the week ending Aug. 16:

"Snow White" (RKO)
"We Who Are Young" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: $6,000. Average, $6,500)
"All This, and Heaven Too" (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days, 2nd week. Stage: Tony Martin. Gross: $32,000. (Average, $32,000)
"The Way of All Flesh" (Para.)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: $3,500. (Average, $5,000)
"Gambling on the High Seas" (W. B.)
ORIENTAL—(3,200) (25c-40c) 7 days. Stage: Eddy Howard, Jackie Coogan and Carol Hughes. Gross: $22,000. (Average, $13,000)
"Ramparts We Watch" (RKO)
"Cross Country Romance" (RKO)
PALACE—(2,500) (35c-40c-60c) 7 days. Gross: $10,000. (Average, $13,000)
"They Drive by Night" (W. B.)
ROOSEVELT—(1,500) (35c-55c-75c) 7 days. Gross: $15,000. (Average, $11,000)
"Phantom Raiders" (M-G-M)
STATE-LAKE—(2,700) (25c-40c) 7 days. Stage: Count Basie and Band. Gross: $16,000. (Average, $15,000)
"Pride and Prejudice" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $9,500. (Average, $14,000)
"Gone With The Wind" (M-G-M)
WOODS—(1,100) (75c-$1.10-$1.50) 7 days. 29th week. Gross: $5,000.

Kansas City Gives 'Love You' $17,200

KANSAS CITY, Aug. 20.—"I Love You Again" and "Florian" took $17,200 at Loew's Midland. Cool weather also helped "The Man I Married" which took $2,800 at the Esquire and $3,500 at the Uptown.

Estimated takings for the week ending Aug. 13-15:

"The Man I Married" (20th-Fox)
ESQUIRE—(800) (28c-44c) 6 days. Gross: $2,800. (Average, 6 days, $2,000)
"I Love You Again" (M-G-M)
"Florian" (M-G-M)
MIDLAND—(4,000) (28c-44c) 7 days. Gross: $17,200. (Average, $9,500)
"Snow White and the Seven Dwarfs" (RKO)
NEWMAN—(1,900) (28c-44c) 7 days. Gross: $6,100. (Average, $7,000)
"Sailor's Lady" (20th-Fox)
TOWER—(2,200) (30c) 7 days. Stage: Terry Howard & Co., Bernhardt & Ketrow, Rich & Gibson. Gross: $6,200. (Average, $6,000)
"The Man I Married" (20th-Fox)
UPTOWN—(2,000) (28c-44c) 6 days. Gross: $3,500. (Average, 6 days, $2,700)

'Love,' Kaye Band Omaha Hit, $22,100

OMAHA, Aug. 20.—Sammy Kaye and his orchestra, with "My Love Came Back" on the screen, grossed a smash $22,100 at the Orpheum. Prices were increased.

Estimated takings for the week ending Aug. 15-16:

"Ramparts We Watch" (RKO)
"You Can't Fool Your Wife" (RKO)
BRANDEIS—(1,200) (30c-40c-44c) 7 days. Gross: $4,400. (Average, $4,000)
"Pride and Prejudice" (M-G-M)
"The Captain Is a Lady" (M-G-M)
OMAHA—(2,000) (30c-44c) 7 days. Gross: $6,300. (Average, $6,000)
"My Love Came Back" (W. B.)
ORPHEUM—(3,000) (40c-55c) 7 days. Stage: Sammy Kaye. Gross: $22,100. (Average, $7,200)

Theatre Changes

Build One, Acquire Another

BUFFALO, Aug. 20.—A new theatre will be erected here by Basil Brothers Theatres, according to Nicholas J. Basil, general manager. Plans for the building have been completed and the theatre will be ready for opening early this Fall. Basil Brothers also have acquired the Capitol, Niagara Falls, from Marvin Atlas.

Schines Shift Addison

GLOVERSVILLE, N. Y., Aug. 20.—Herman Addison is now manager of Schine's Glove Theatre here, having been transferred from the Olympic in Watertown, N. Y.

Thomas Mack Transferred

MADISON, Wis., Aug. 20.—Thomas Mack, Jr., formerly assistant manager at the Capitol here, has been transferred to the National, Warner-Saxe neighborhood house in Milwaukee, as house manager.

Take Over Kansas House

KANSAS CITY, Aug. 20.—The Rosedale theatre in Kansas City, Kan., formerly operated by A. L. Dare, has been taken over by Homer F. Pautz and C. W. Rhode, who operate the Sun, Kansas City, Mo. Pautz and Rhode have completely remodeled the theatre, installed air conditioning and 500 new seats.

Theatre Firm Formed

WINNECONNE, Wis., Aug. 20.—The Winneconne Amusement Co. has been organized here with Helen M. Sweet, Christine Peterson and Victoria L. Sprehe as incorporators. The firm plans to operate a theatre here.

Daly Sells Theatre

LOWELL, Mass., Aug. 20.—Michael Daly has sold his interest in the Capitol to the Lowell Bank and is now confining himself to operation of the Daly, Hartford, and Plainfield, Plainfield, Conn.

Hartford House to Reopen

HARTFORD, Conn., Aug. 20. — The Harris Brothers will reopen their 4,000-seat State, closed for the Summer, on Aug. 30.

Managing Drive-In

METHUEN, Mass., Aug. 20.—Pierce Parkhurst, former manager of the State, Torrington, has been appointed manager of the E. M. Loew's Drive-In here.

Fishman Theatres to Build

FAIRFIELD, Conn., Aug. 20. — Fishman Theatres, Inc., has acquired property on Boston Post Road and South Benson Road for construction of a new theatre.

Renew Altec Pacts

D. D. Query, general manager of Lincoln Theatres Corp., and King Coal Theatres, Inc., Lincoln, Neb., have renewed with Altec Service. Sam Bendheim, Jr., has renewed an Altec service agreement for 24 Neighborhood Theatres, Inc., houses in Virginia towns.

House Is Air-Conditioned

TORONTO, Aug. 20. — The Oriole Theatre in North Toronto, operated by 20th Century Theatres, has been equipped with an air-conditioning and ventilation system.

'Heaven' Gets Fine $10,200, Leads Seattle

SEATTLE, Aug. 20.—"All This, and Heaven Too" was the best bet, taking $10,200 at the Palomar. "I Love You Again" at the Fifth Avenue grossed $8,500. The weather was fair.

Estimated takings for the week ending Aug. 16:

"The Boys from Syracuse" (Univ.)
"Dr. Christian Meets the Women" (RKO)
BLUE MOUSE—(950) (30c-40c-50c) 7 days, 2nd week. Gross: $3,300. (Average, $4,000)
"I Love You Again" (M-G-M)
"The Way of All Flesh" (Para.)
FIFTH AVENUE—(2,500) (30c-40c-50c-65c) 7 days. Gross: $8,500. (Average, $7,000)
"I Married Adventure" (Col.)
"Military Academy" (Col.)
LIBERTY — (1,800) (30c-40c-50c-65c) 7 days. Gross: $3,900. (Average, $5,000)
"Pride and Prejudice" (M-G-M)
"Manhattan Heartbeat" (20th-Fox)
MUSIC BOX (950) (30c-40c-50c-65c) 7 days, 2nd week. Gross: $3,000. (Average, $4,000)
"Mystery Sea Raider" (Para.)
"Pier 13" (20th-Fox)
ORPHEUM—(2,450) (30c-40c-50c) 7 days. Gross: $4,700. (Average, $5,000)
"All This, and Heaven Too" (W. B.)
PALOMAR—(1,500) (30c-40c-50c-65c) 7 days. "N.B.C. Rhythm Ramblers" on stage. Gross: $10,200. (Average, $5,000)
"The Man I Married" (20th-Fox)
"Love, Honor and Oh, Baby" (Univ.)
PARAMOUNT—(3,050) (30c-40c-50c) 6 days. Gross: $4,600. (Average, $6,000)

Lesser Signs Writers

HOLLYWOOD, Aug. 20. — Sol Lesser has signed Rose Franken and her husband, William Brown Meloney, to write "Strange Victory."

'Love' Is St. Louis Smash at $18,800

ST. LOUIS, Aug. 20.—Enjoying its best business since "Gone With the Wind" left town, Loew's State registered a record-breaking week for this time of the year with "I Love You Again," grossing $18,800. Business was up at other houses.

Estimated takings for the week ending Aug. 15:

"I Love You Again" (M-G-M)
"We Who Are Young" (M-G-M)
LOEW'S STATE—(3,162) (28c-39c-56c) 7 days. Gross: $18,800. (Average, $13,000)
"Return of Frank James" (20th-Fox)
"Pier 13" (20th-Fox)
FOX—(5,038) (28c-39c-56c) 7 days. Gross: $11,500. (Average, $11,000)
"The Man I Married" (20th-Fox)
"Girl From Avenue A" (20th-Fox)
AMBASSADOR—(3,018) (28c-39c-56c) 7 days. Gross: $10,000. (Average, $11,500)
"The Boys From Syracuse" (Univ.)
"They Drive by Night" (W. B.)
MISSOURI—(3,514) (28c-39c-56c) 7 days. Gross: $4,000. (Average, $4,000)
"Grand Ole Opry" (Rep.)
"Black Diamonds" (Univ.)
ST. LOUIS—(4,000) (28c-39c) 7 days. Gross: $1,400. (Average, $2,600)

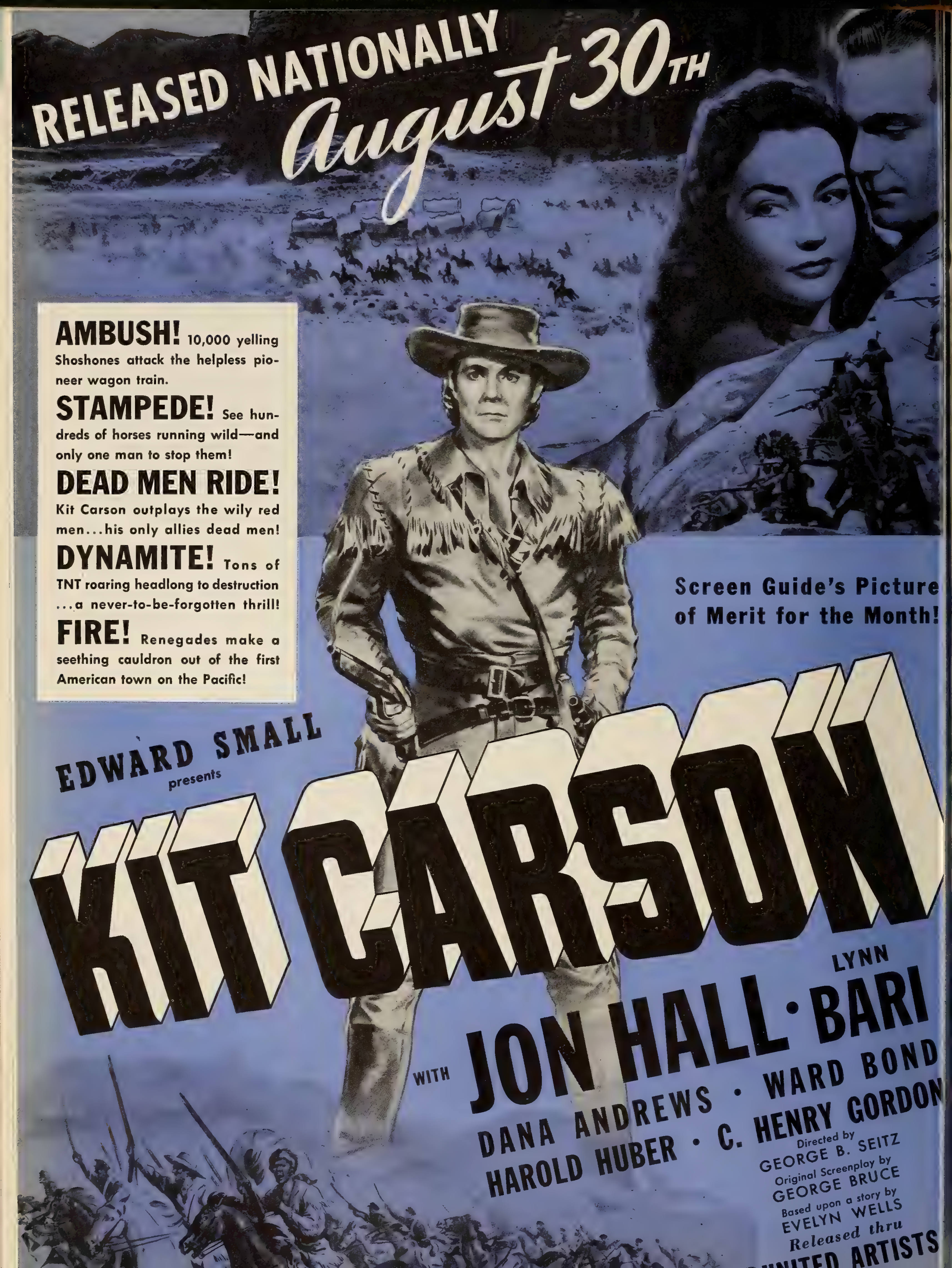
Sponsoring Eye Clinic

MILWAUKEE, Aug. 20.—The local Variety Club will sponsor an eye clinic for underprivileged children. The club will provide glasses and complete treatment.

Rob Theatre Safe

INDIANAPOLIS, Aug. 20.—Thieves yesterday broke into the Vogue, neighborhood house operated by Carl Niesse, and escaped with $1,300 taken from a safe.

The N. Y. JOURNAL and AMERICAN calls "HE STAYED FOR BREAKFAST" A "RADICAL-RIBBING, RIB-TICKLING COMEDY!" A COLUMBIA PICTURE



RELEASED NATIONALLY *August 30th*

AMBUSH! 10,000 yelling Shoshones attack the helpless pioneer wagon train.

STAMPEDE! See hundreds of horses running wild—and only one man to stop them!

DEAD MEN RIDE! Kit Carson outplays the wily red men... his only allies dead men!

DYNAMITE! Tons of TNT roaring headlong to destruction ... a never-to-be-forgotten thrill!

FIRE! Renegades make a seething cauldron out of the first American town on the Pacific!

Screen Guide's Picture of Merit for the Month!

EDWARD SMALL
presents

KIT CARSON

WITH **JON HALL · LYNN BARI**

DANA ANDREWS · WARD BOND
HAROLD HUBER · C. HENRY GORDON

Directed by
GEORGE B. SEITZ
Original Screenplay by
GEORGE BRUCE
Based upon a story by
EVELYN WELLS
Released thru
UNITED ARTISTS

FILE COPY

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 38 NEW YORK, U. S. A., THURSDAY, AUGUST 22, 1940 TEN CENTS

British Film Commission Worries U.S.

Fear Wide Control Over Foreign Product

London, Aug. 21.—American film interests here are understood to be greatly concerned over the probability that a new British Film Industry Commission is to be established by the British Government in the near future.

Motion Picture Daily on Tuesday reported the development of legislative plans designed to establish such a commission, which, it was indicated, would have far-reaching power in controlling the activities of the industry virtually in all its key phases. Subsequent investigation has authoritatively confirmed the original reports that a commission is being formulated.

American interests are especially concerned, it is understood, over the extent of the industry control which will be exercised by the commission. It is pointed out that obviously the commission aims at a greater control of the industry, by the British, and especially the

(*Continued on page* 5)

Attendance at Fair Behind Last Year

The New York World's Fair had a total paid attendance of 9,435,100 up to 5 P. M. yesterday. This figure is about 4,000,000 behind last year's total for the same number of days of operation. Bad weather conditions were a major factor in keeping attendance down. Rainy weather all of June, followed by a heat wave in July kept many away. The cooler weather this week resulted in immediate gains.

Decree Views Deluge U. S.

Washington, Aug. 21.—Department of Justice officials said today that communications from exhibitors and exhibitor organizations are pouring in regarding the proposed consent decree and that the views so expressed will be duly considered. Officials, however, refused to comment on individual communications.

While no information was made available as to the reactions of the various groups and individual theatre owners to the decree proposals, it was intimated that many of the points

(*Continued on page* 5)

'Fantasia' to Be Roadshown In 12 Spots In November

Premiere of Walt Disney's "Fantasia" will be held in New York early in November, Hal Horne, Eastern representative for Walt Disney Productions, said yesterday.

In all of its initial engagements the musical feature will be exhibited on a roadshow basis. There is a possibility that it will never be generally released, so that the matter of distribution of the picture does not enter into consideration at this time, Horne said. The initial roadshow engagements will be handled directly by Disney Productions.

Admission price policy has not been decided yet but it will probably range from 75 cents to $1.50 in most engagements. The picture runs two hours and 30 minutes. It has been in production for two years and is estimated to have cost more than $2,000,000.

Disney regards the reproduction of the Leopold Stokowski music in the picture as of prime importance and will install a new type of sound equipment developed by RCA in each theatre in which the picture is shown. Cities and theatres in which the initial engagements will be dated have not been determined yet, but the plan at this time is to order 10 or 12 of the special sound units for installation in theatres to be leased by Disney in as many cities. When the runs of the picture in these cities ended, the equipment would be moved elsewhere for later engagements. Thus, the picture probably will be playing in no more than a dozen localities at a time.

In the film, Disney employs for the first time oils and pastels in his cartoons. New cartoon characters, with the single exception of Mickey Mouse, are introduced in it and, also for the first time in a Disney production, "real" people are blended in the animation.

'BIG 5' ACCORD IS NEAR AS FORMULA ON PEACE IS SET

Government Reported Ready to Accept Kent-Balaban Escape Clause But Seeks Permanent Tradeshowing Provision

By SAM SHAIN

An agreement on the consent decree between the Government and the Big 5, it was learned last night, may be reached today or tomorrow. It is reported that the Government may accept the Kent-Balaban formula on the escape clause, provided that the Big 5 will eliminate blind buying permanently by means of trade showings.

Meeting on Compromise Today

These reported compromises of themselves indicate that substantial progress has been made towards an agreement. At a meeting of the Big 5 which is scheduled to be held today, these proposed compromises will be taken up and decided.

The compromises are the result of discussions held yesterday at a meeting between Government counsel, including Assistant U. S. Attorney General Thurman Arnold, and a distinguished person in whom both the Government and the motion picture industry has complete confidence. This meeting is described by spokesmen as having resulted in the fullest realization of its purpose to bring about an accord between the Government and the Big 5 on the consent decree.

Whatever the Government's intentions may be in regard to Universal, Columbia and United Artists is still an open question.

Text of New Escape Clause

The modified escape clause which 20th Century-Fox had proposed follows. It was first printed in Motion Picture Daily, on August 14.

"At any time after June 1, 1942, upon the filing of an application under oath by any distributor defendant which has consented to the entry of this decree, with proof of service upon the other consenting defendants and the petitioner, stating that during the nine months' period next preceding the filing of such application an aggregate of 25 or more feature motion picture films (*Feature motion picture films as used in this section shall not include westerns and foreigns*) have been licensed by one or more distributors of motion picture films operating on a national exchange basis to an exhibitor or exhibitors other than in accordance with the provisions of Sections 1 and 2 hereof (*Trade Showings; Unit Selling in Blocks of Five*), and setting forth the titles of at least 25 such feature motion picture films, the name of the distributor or distributors so licensing the same and the name of an exhibitor or exhibitors to whom they have been so licensed, the court shall forthwith enter an order relieving all such consenting defendants of further compliance with the provisions of Sections 1 and 2 hereof, except with respect to agreements to be made prior to September 1, 1942, licensing feature motion pictures to be released prior to said date."

Another Film First: Preview of a Poster

Acting on the theory that if films and art shows are entitled to previews, why not poster advertising, United Artists will stage the first "preview" of a poster on the Alexander Korda production, "The Thief of Bagdad," at 48th Street and Sixth Avenue at noon today.

Willy Pogany, artist, will officiate, and Lynn Farnol, United Artists advertising and publicity director, promises "a bottle of champagne to burst, girls, pigeons and all the things that either are traditional or will become so after this event."

Pettijohn Not Joining Selznick, Both State

"I wish it were true."

That's what Myron Selznick said yesterday when asked about the Coast report that Charles Pettijohn, M.P. P.D.A. counsel, was leaving the Hays office to join the Selznick Agency. Selznick stated that the report was not true and furthermore that there had not even been any conversations with Pettijohn in this regard.

Further denial came from Pettijohn, through the Hays office, which received a telegram from the counsellor en route from the Coast to Chicago. He is due here tomorrow.

Morgan in 'Kitty Foyle'

Hollywood, Aug. 21.—Dennis Morgan will have the lead opposite Ginger Rogers in RKO's "Kitty Foyle."

Personal Mention

BARNEY BALABAN, Paramount president, will return today from a one-day conference with Comerford circuit executives in Scranton, Pa.

•

Robert Mochrie, Eastern division sales manager for RKO, will return tomorrow from a New England business trip.

•

W. B. Morgan, 20th Century-Fox manager in France, is due here from Europe on the *Exachorda* on Aug. 29, according to latest advices.

•

William K. Saxton, city manager for Loew's in Baltimore, has returned from a vacation in Florida.

•

Frank Vennett, manager of the Opera House, Bath, Me., is visiting here with his family.

•

Daniel Pouzzner, exhibitor in Middletown, Conn., has returned from a brief vacation at Nantucket.

•

Robert Schwartz, operator of the Paramount, Thomaston, Conn., is back from a vacation at Nahant, Mass.

•

Harry H. Buxbaum, Joe J. Lee, Winn Natanson, Alexander Ince, John Hertz, Jr., Armando, Leif Erikson, Douglas Wood, Arthur Friend, Charles Le Naire, Otto Preminger, Pat Duggan, John Golden, Frederic Lonsdale, Lee Shubert, Martin Beck, Al Lewis, Arthur Krim, Jose Ferrari, Richard Whorf at Sardi's yesterday for lunch.

LOUIS D. FROHLICH of Schwartz & Frohlich returned yesterday from a vacation at Saratoga and will return there tomorrow to remain until after Labor Day.

•

Mrs. Samuel Hadelman, of the Capitol, Bridgeport, Conn., and her daughter are spending a month at Moodus, Conn.

•

Abe Schneider, Rube Jackter, Sol Edwards, Seymour Poe for lunch yesterday at Lindy's (next to Rivoli).

•

Jack Goetz, J. J. Milstein, Charles Stern, Arthur Silverstone at Lindy's (51st St.) for lunch yesterday.

•

Buddy De Sylva, Stanton Griffis, Russell Holman, Adolph Zukor, John Hicks, Max A. Cohen, Thomas J. Connors, Max Dreyfuss lunched yesterday at Nick's Hunting Room at the Astor.

•

William J. German, Irving Wormser, Lou Weinberg, Lou Pollock, Marvin Schenck, Jack Meyer, Jose Schorr, Mack Littman, Charles Paine, Sid Weil, Fred McConnell, Joseph Moskowitz, Irving Hoffman, Lynn Farnol, Walter Futter, Sam Shain, Dwight D. Wiman, Tom Weatherly at the Tavern yesterday for lunch.

•

Abe Hodes, M-G-M student booker in New Haven, is vacationing at Beacon, N. Y.

Kit Carson Week Is Set in Denver

Denver, Aug. 21.—Gov. Ralph Carr of Colorado has proclaimed next week as Kit Carson Week, in conjunction with the opening of the Edward Small-United Artists film, "Kit Carson" here on Monday at the Denver, Paramount, Broadway and Rialto.

A group of Hollywood players will arrive here Monday morning, where they will be met by the governor and his staff, Mayor Stapleton of Denver and city officials. A parade will follow. Department stores and other organizations have taken blocks of tickets for employes and customers for the opening. The film will continue its run at the Denver after the opening.

Petrillo in Parleys On Phila. Dispute

Frank Phelps, Warner labor contact, held sevarel conferences this week with James C. Petrillo, president of American Federation of Musicians, concerning the strike of the Philadelphia musicians' union against Warner houses there.

Neither side would discuss the nature of the negotiations except to say that nothing definite had been decided. A spokesman for the A.F.M. declared that no further conferences would be held until the matter had been discussed again with the Philadelphia local.

Pact for Miss Marshall

Hollywood, Aug. 21.—Brenda Marshall has been given a new year's contract by Warners.

Merge 3 Circuits In Northwest Area

Seattle, Aug. 21.—A merger of three independent circuits in Washington, Alaska and California into one partnership has been disclosed here. The new firm, to be known as Hubenart Theatres Co., will operate 14 theatres formerly owned by Arthur C. St. John of Centralia, Ben F. Shearer of Seattle and Hugh W. Bruen of Whittier, Cal.

The houses involved in the deal are the Fox and Liberty in Centralia; St. Helens and Pix in Chehalis; and the Monte Theatre in Montesano, all owned by St. John; the Whittier, Wardman and Roxy Theatres in Whittier, Cal., and the 45th Street and Green Lake Theatres in Seattle, owned by Bruen; and the Tower Theatre in Bremerton, Roxy Theatre in Everett, Revilla in Ketchikan, Alaska, and Capitol in Juneau, Alaska, all owned by Shearer.

Loew-Poli Chooses New Season Slogan

New Haven, Aug. 21.—Combining two winning slogans in the circuit-wide slogan contest for the new season, Harry F. Shaw and Lou Brown of the Loew-Poli division announce that "Loew-Poli Theatres Star-Spangled Movie Season—Where Pictures Are Better Than Best" will be used to publicize the annual formal opening of the season.

The winners, one from New Haven and one from Bristol, each receive a year's guest ticket to the Poli houses in New Haven and Hartford, respectively. This contest was preliminary to new season campaigns.

Roosevelt Brothers To 'Pastor' Opening

James Roosevelt, ill in California, will be represented at the opening in Philadelphia of his United Artists release, "Pastor Hall," by Elliott Roosevelt, his brother, who will go from Moose, Wyo., and another brother, Franklin D. Roosevelt, Jr.

Set Roxy Dividend

The board of directors of Roxy Theatre, Inc., at a meeting yesterday declared a quarterly dividend of 37½ cents per share on the outstanding preferred stock, payable Aug. 30 to stockholders of record Aug. 24.

WALTER WINCHELL
says:
"'HE STAYED FOR BREAKFAST' LAUGHS THE COMMUNISTS RIGHT OFF THEIR SOAP-BOXES!"
A COLUMBIA PICTURE

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Hollywood Review

"Men Against the Sky"

(RKO)

HOLLYWOOD, Aug. 21.—Keyed to the changed public attitude toward aviation resulting from publicity given the industrial aspects of the subject in recent months, this story about the men who build planes and fly them, filmed without furbelows and acted by a cast of capable players, attains more dramatic impact than most of the glamorized, romanticized treatments of the subject produced in the years when planes were popularly regarded as risky toys. The story by John Twist, adapted by Nathaniel West, is as down-to-earth as earlier stories in kind were not and as barren of improbability as a blue-print.

Basic interest pertains to the development of a new, swift model by a plane manufacturer "for foreign order." No spies lurk about the plant eager to steal the plans and there is no sabotage, etc., nor even a naming of the foreign power or a reference to war. There is humor in the manufacturer's financing of his enterprise and there is a thread of romance in the story. There is drama in the telling of how a down-at-heel pilot supplies the construction formula needed for success and dies when his parachute fails, as well as in two test flights made, but there are no mock heroics or other artificial stimulants to excitement. This common-sense handling of the material evoked more applause and approval from a preview audience than all the flag-waving in all the other flight pictures made since "Hell's Angels."

Richard Dix, Kent Taylor, Edmund Lowe, Wendy Barrie, Granville Bates, Grant Withers, Donald Briggs and others make up a strong cast. Direction is by Leslie Goodwins, a straightforward handling, and the production is by Howard Benedict, with Lee Marcus as executive producer.

Running time, 75 minutes. "G."*

ROSCOE WILLIAMS

**"G" denotes general classification.*

Expect New Haven Retention of Bingo

NEW HAVEN, Aug. 21.—With names of voters being gathererd at the rate of 500 a day, the retention of Bingo here by the Board of Aldermen for another year is now virtually assured, it is reported.

The Aldermen will meet Monday in special session to ratify the state Bingo law which requires that five per cent of registered voters must signify their desire for the game before the board can act. Only churches and organizations can play the game.

Action Against Manager

DOVER, Del., Aug. 21.—Hansel Marvel of Houston, Del., manager of the Hill Billy Playhouse at Bowers Beach, has been placed under $1,000 bail on each of two charges of obtaining the services of theatrical performers by false pretense. Charges were preferred by Joseph T. Bardo and Frank Belmont, managers of theatrical agencies in Philadelphia. The charges will go before the next Kent County grand jury.

Raise Prices for 'Town'

CINCINNATI, Aug. 21.—The Northio Circuit has booked "Boom Town" in all its first run houses at a 25 per cent price increase for matinees, and with the night scale increased 33⅓ per cent. First date is at the Paramount, in Hamilton, Ohio, where the film opens for a four-day run Aug. 31.

Warner Club Elects

SEATTLE, Aug. 21.—New officers have been elected by the Warner Club here, as follows: Morton Endert, president; Guy G. Maxey, vice-president in charge of entertainment; Mary Schmidtz, secretary-treasurer; and Mayme Moody, chairman of the welfare committee.

They Need It

Cincinnati, Aug. 21.—The following sign blinked from the marquee of the suburban Mt. Lookout:

"Torrid Zone"
New Air Conditioning.

Holt Joins 20th-Fox

SEATTLE, Aug. 21.—Archie Holt will return to this city as salesman at the 20th Century-Fox exchange, succeeding Jean Spear. Holt was formerly manager here for Gaumont-British, and more recently has been associated with Jesse Jones in the operation of the Granada in Portland. The house has been sold by Jones to Al Meyers of Newberg, Oregon.

Butterfield to Portland

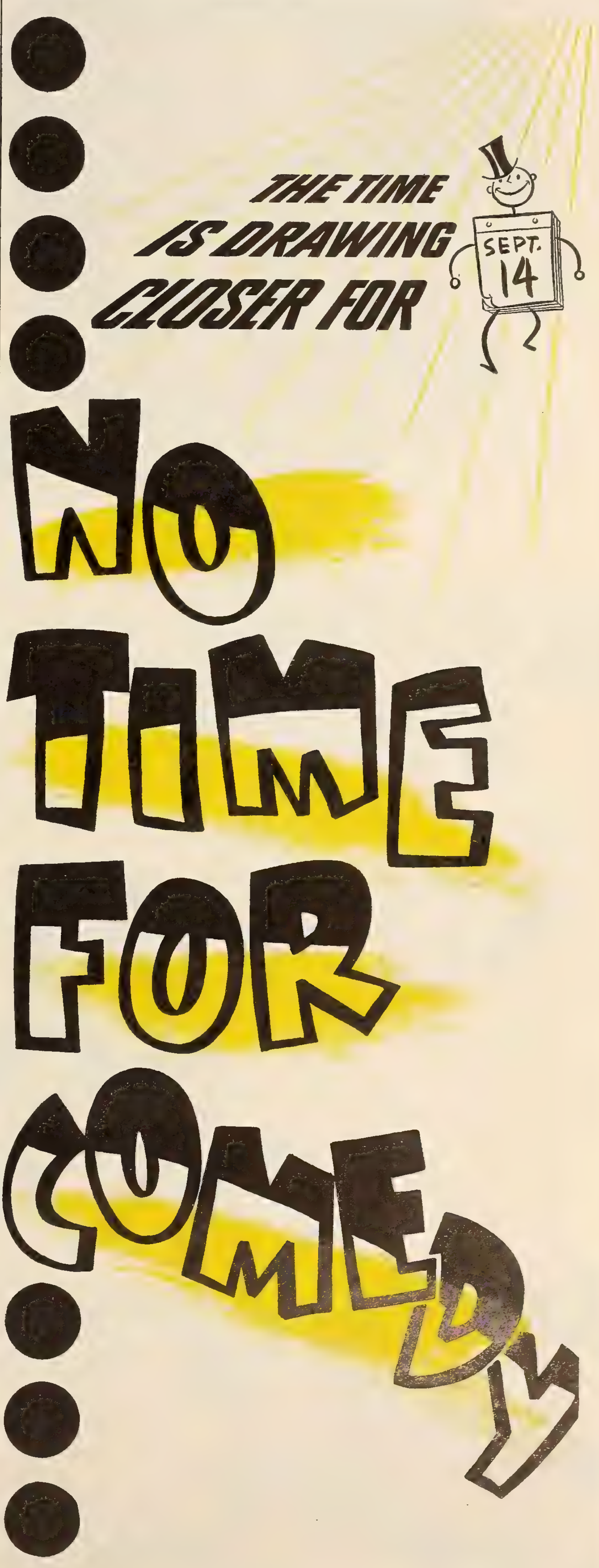
Allyn Butterfield, director of the newsreel division of the Republican National Committee, has left Elwood, Ind., where he handled the picturing of Wendell Willkie's acceptance speech, for Portland, Ore., to make similar arrangements for Senator McNary's Vice-Presidential notification next Tuesday.

Seek Sunday Pictures

CLEVELAND, Tenn., Aug. 21.—Managers of local theatres will seek to reach an agreement with the mayor and city commissioners on the showing of Sunday films here, Manager Edward Hembree of the Princess said many of his patrons have been urging the move for some time.

Revivals at Playhouse

Starting tomorrow, the Fifth Avenue Playhouse will play revivals of French films for several weeks, before the opening of the regular Fall season of first run foreign films.

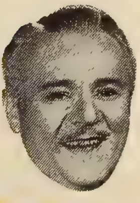


He makes it great!
She makes it greater

JAMES
STEWART · ROSALIND
RUSSELL

NO TIME FOR COMEDY

with



GENEVIEVE TOBIN · CHARLIE RUGGLES

ALLYN JOSLYN · CLARENCE KOLB · LOUISE BEAVERS

Directed by WILLIAM KEIGHLEY

A WARNER BROS.-First National Picture

Warners made it a howling success!

FROM STAGE TO SCREEN WITH A ROAR!

British Film Commission Worries U.S.

(*Continued from page 1*)

control of the marketing of foreign product.

It is feared by American interests that with the operation of the new commission, the discussion or examination of any proposed measures affecting the marketing of product by the interested parties will not be permitted.

The British Board of Trade and financial interests here are believed to be back of the establishment of the film commission. A secret committee is understood to be at work on initial plans for the commission. The committee is understood to include in its membership D. E. Griffiths, former head of First National here and former president of the K.R.S. (distributors). The membership has been appointed not as representing any particular trade bodies here. Its personnel has been warned emphatically that they are officiating as private individuals with an expert knowledge of the film business.

Absolute secrecy concerning the work of the committee has been insisted upon, it is learned authoritatively.

To Set Television Standards Shortly

Committee meetings to settle standards for television will get under way during the first two weeks in September, it was agreed yesterday at a preliminary conference of panel chairmen of the National Television Systems Committee.

The N.T.S.C. was organized last month to obtain agreement among all television patent holders and manufacturers on the best standards, thus paving the way for a grant of full commercialization by the Federal Communications Commission.

At yesterday's meeting, the full membership of each panel was agreed upon. No announcement was made later except that the objectives of the N.T.S.C. had "been crystalized."

Following the meetings of the various panels during the first fortnight of next month, there will be another conference of panel chairmen later in September. It is expected that this latter meeting will set the pace and determine the objectives for future work. If any basis for compromises of the various claims can be laid in the individual panels and then coordinated in the meeting of panel chairmen, it is believed that complete standardization will not be far behind. On the other hand if the proponents of conflicting claims find themselves deadlocked then there may be a long, drawn out battle, it was said.

The Jan. 1 date which had been set as the goal for completion of the conferences, is merely a tentative date, it was said, and the discussions may be prolonged if there is no agreement.

Rebuilding Burned House

COLUMBUS, Tex., Aug. 21.—W. A. Stuss is rebuilding the Orphic, which recently was destroyed by fire.

Ascap Will Not Appeal Florida Case; to Pay Tax

Ascap will not appeal from portions of the recent Federal court decision upholding the legality of the Florida anti-Ascap law of 1939 unless the state authorities appeal the decision invalidating the major sections of the law, it was stated yesterday by Schwartz & Frohlich, Ascap counsel.

Under the portions of the Florida law upheld by the court Ascap is required to file a list of its licensed compositions within the state and to pay a tax of two cents per title. The state agrees to prosecute infringers of Ascap music on misdemeanor charges. The portions of the law held unconstitutional would have required Ascap to license its music on a per piece basis, or for a uniform price established in advance, as a result of which it probably would have discontinued doing business in Florida.

Ascap did not oppose the sections of the Florida law which were upheld by the court and intends now to comply with them. Its index will be filed in the state and the title tax will be paid. In return, Ascap will insist that the state act against infringers in accordance with the statute. However, the law in this respect will be invoked by Ascap only against owners or managers of places in which infringements are found, not against performers, according to Herman Finkelstein of Schwartz & Frohlich.

In its recent decision, the Florida Federal court for the first time gave judicial consideration to the per piece licensing theory which has been for long advocated by broadcasters.

Declaring that section of the law invalid, the court said: "It undertakes to impose unreasonable restrictions on copyright owners, restrictions having no reasonable relation to the public policy the Act is designed to further. In attempting to prevent individuals from contracting for the use of their copyrighted music upon any price bases they and their customers may select, the Act goes clearly beyond and is wholly outside the reasonable exercise of the police power."

"The prohibition of the section against basing the price upon programs in which a particular piece of music is not performed is a completely arbitrary one and as such it could not stand if the subject of the prohibition were uses unprotected by copyright.

"If the statute dealt with contracts for the hiring of, work and labor, or personal services, of animals or things and by its prohibition prevented wages and salaries from being fixed except on the basis of piece work . . . we think it would be admitted that such a statute would be invalid as an invasion of the right and liberty of contract," the opinion concluded.

'Love You' Smash at $18,500 in Cleveland

CLEVELAND, Aug. 21.—"I Love You Again" was a smash hit here, giving Loew's State $18,500. Manager Everett Steinbuch reported the best Friday, Saturday and Sunday in a year and a half. The all Disney program at the Allen drew $8,000.

Estimated takings for the week ending Aug. 15:

Disney Festival
ALLEN—(3,000) (33c-39c-47c) 7 days. Gross: $8,000. (Average, $4,000)

"They Drive By Night" (W. B.)
WARNERS' HIPPODROME—(3,800) (33c-39c-47c) 7 days, 2nd week. Gross: $7,500. (Average, $11,000)

"The Man I Married" (20th-Fox)
RKO PALACE—(3,100) (33c-39c-47c) 7 days. Gross: $5,000. (Average, $9,500)

"I Love You Again" (M-G-M)
LOEW'S STATE—(3,500) (33c-39c-47c) 7 days. Gross: $18,500. (Average, $11,000)

"Gold Rush Maisie" (M-G-M)
LOEW'S STILLMAN—(1,900) (33c-39c-47c) 7 days. Gross: $3,500. (Average, $4,000)

Issues Standards Data

HOLLYWOOD, Aug. 21.—The Research Council of the Academy of Motion Picture Arts and Sciences has distributed to interested exhibitors copies of specifications for a "Standard Preview-Theatre Auditorium Fader" and "Standard Preview-Theatre Variable Equalizer."

Western on Weekend

Republic reports that its western, "Rancho Grande," starring Gene Autry, has been booked into the Roxy, Panama City, for the weekend of Sept. 7-9. It is said to be the first time a western has been booked for the weekend in that city.

'Pride' Pittsburgh Leader at $16,000

PITTSBURGH, Aug. 21.—"Pride and Prejudice" took a strong $16,000 at Loew's Penn and the holdover of "They Drive By Night" at the Warner drew $6,000.

Estimated takings for the week ending Aug. 15:

"The Man I Married" (20th-Fox)
ALVIN—(1,800) (28c-39c-55c) 7 days. Gross: $6,500. (Average, $7,000)

"Leopard Men of Africa" (Select)
FULTON—(1,700) (28c-44c) 6 days. $2,500. (Average, $4,000)

"Pride and Prejudice" (M-G-M)
LOEW'S PENN—(3,400) (28c-39c-55c) 7 days. Gross: $16,000. (Average, $13,000)

"The Way of All Flesh" (Para.)
"We Who Are Young" (M-G-M)
RITZ—(800) (28c-44c) 7 days. Gross: $1,200. (Average, $4,000)

"Safari" (Para.)
STANLEY—(3,600) (28c-39c-55c) 7 days. Gross: $7,000. (Average, $13,000)

"They Drive By Night" (W. B.)
WARNER—(2,000) (28c-39c-55c) 7 days, 2nd week. Gross: $6,000. (Average, $5,000)

Freeman Arrives Saturday for Talks

HOLLYWOOD, Aug. 21.—Y. Frank Freeman, Paramount vice-president and studio head, will leave Friday night by plane for New York, where he will arrive Saturday for a week of home office conferences.

'Nobody's Children' Cast

HOLLYWOOD, Aug. 21.—Russell Hicks, Ivan Miller and Dorothy Miller have been assigned parts in Columbia's "Nobody's Children," based on the radio serial.

Exhibitors' Views Deluge Washington

(*Continued from page 1*)

raised were given consideration during the negotiations.

Officials said the communications are being studied and that the department is glad to have the views of such organizations.

ITOA Sends Decree Opinion to Arnold

The New York I.T.O.A. at a special meeting at the Hotel Astor yesterday formulated an organization opinion on the consent decree proposed in the Government's New York antitrust suit, and forwarded the opinion to Thurman W. Arnold, assistant U. S. Attorney General. Harry Brandt presided at the meeting.

Ohio ITO Asks for Reactions on Decree

COLUMBUS, Aug. 21.—P. J. Wood, secretary of the I.T.O. of Ohio, has asked exhibitors for their opinions on the block-of-five provision of the proposed consent decree.

The matter is to be given consideration at a meeting of the organization's board of directors here Aug. 29.

Steuer, Goldwyn's Counsel, Dies at 70

Max Steuer, New York attorney, who was counsel for Samuel Goldwyn and other industry figures from time to time over a period of many years, died late yesterday of a heart attack at Jackson, N. H., where he had been vacationing. He was 70 years old. Steuer was counsel for Goldwyn in his pending action to withdraw from United Artists.

Coast Flashes

HOLLYWOOD, Aug. 21.—Robert Davis was elected chairman of the Screen Actors Guild at a meeting last night.

●

Y. Frank Freeman, Producers' Association president, today said progress was made at last night's meeting with Screen Writers Guild representatives at which a contract was discussed. Another meeting will be held shortly.

●

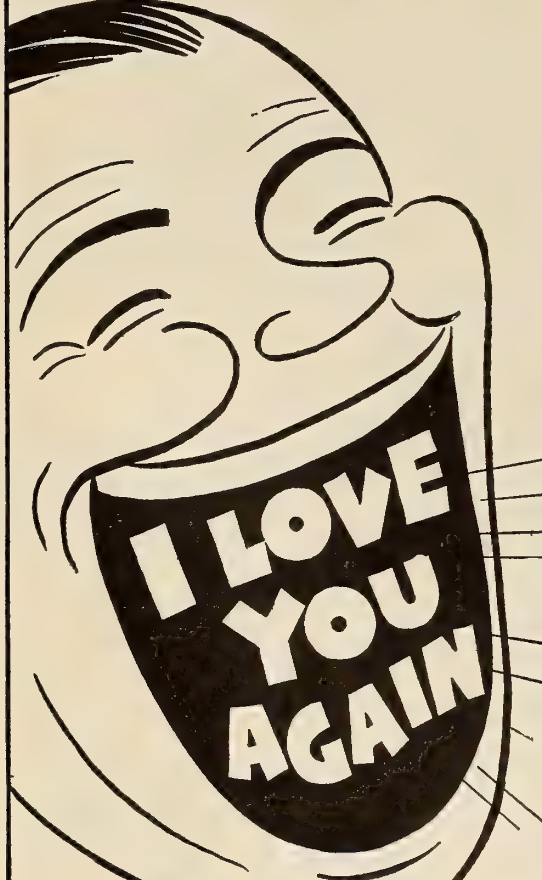
A hearing before the N.L.R.B. today on certification of the Screen Office Employes Guild was interrupted when the A.F. of L. stenographers' union intervened with a petition for certification as the bargaining agent for casting directors and assistants. The board wired Washington for instructions whether a consolidated hearing should be held.

●

Sponsored by the Television Engineers Institute, the first national television convention opens here tomorrow.

CAPITOL FUN!

Cool
CAPITOL—B'way & 51st Street
Major Edward Bowes, Mng. Dir.



"Wildly funny farce. While you're watching the screen at the Capitol you can't possibly worry about the state of the world; you're too busy laughing."
—EILEEN CREELMAN, N. Y. Sun

"One of the brightest comedy splurges of the current heat wave makes you double up with roaring laughter."
—LOUIS BIANCOLLI, World-Tele.

"Mr. Powell and Miss Loy one of our most versatile and frisky connubial comedy teams. Can make an hour and a half spin like a roulette wheel."
—BOSLEY CROWTHER, N. Y. Times

"Powell and Loy top a hilarious comedy as goofy as has been turned out of Hollywood since 'My Man Godfrey'."
—KATE CAMERON, Daily News

"Slick entertainment at the Capitol Theatre."
—ROSE PELSWICK, N. Y. Jnl.-Amer.

"Uproarious. One of the brightest comedies that has been shown hereabouts."
—HOWARD BARNES, Her. Trib.

"Fast and funny. A perfectly grand picture. If you have any cares at all you will forget them. A 'must'."
—LEE MORTIMER, Daily Mirror

starring **WILLIAM POWELL**
MYRNA LOY
with
FRANK McHUGH • EDMUND LOWE

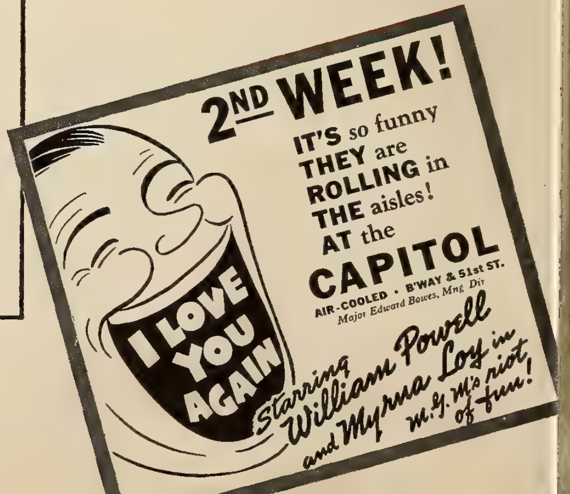
Directed by W. S. VAN DYKE II

Screen Play by Charles Lederer, George Oppenheimer and Harry Kurnitz

A Metro-Goldwyn-Mayer Picture

The best biz at Capitol since "Gone With The Wind"!

WHILE "BOOM TOWN" BOOMS HERE'S ANOTHER M-G-M HIT TO BOOM BOX-OFFICES!



2ND WEEK!
IT'S so funny THEY are ROLLING in THE aisles!
AT the CAPITOL
AIR-COOLED • B'WAY & 51st ST.
Major Edward Bowes, Mng. Dir.
I LOVE YOU AGAIN
Starring William Powell and Myrna Loy in M-G-M's riot of fun!

"Keep happy with Leo, folks!"

HELD OVER!

M-G-M's Greatest Comedy Hit is the Sensation of America!

("I Love You Again—and Again!" Says the public from Coast to Coast)

Hold-overs are a habit when you play M-G-M pictures. They've got to be GREAT!

New York, N. Y. .	2nd Week	Providence, R. I. .	2nd Week
Denver, Colo. . .	2nd Week	St. Louis, Mo. . .	2nd Week
Seattle, Wash. . .	2nd Week	Baltimore, Md. .	2nd Week
San Francisco, Calif.	2nd Week	Minneapolis, Minn.	2nd Week
Louisville, Ky. . .	2nd Week	Houston, Texas .	2nd Week
Salt Lake City, Utah	2nd Week	Atlanta, Ga. . .	2nd Week
Philadelphia, Pa. .	2nd Week	Dayton, Ohio . .	2nd Week
(First time in history day and date engagements at Stanley and Earle first runs and they're terrific!)		Richmond, Va. .	2nd Week
Cleveland, Ohio .	2nd Week	St. Paul Minn. . .	Extended
Detroit, Mich. . .	2nd Week	Des Moines, Ia. . (Playing Day and Date)	Extended
Columbus, Ohio .	2nd Week	Des Moines, Ia. .	Extended

(And more hold-overs as we rush to press!)

← It's all M-G-M on Broadway! And at famed Radio City Music Hall "Pride and Prejudice" holds for 3d Week!

'Pride' Takes Good $32,700 Leads Boston

BOSTON, Aug. 21. — Loew's Orpheum and State, showing "Pride and Prejudice," reported $32,700 with $18,200 and $14,500, respectively, to lead a generally quiet week in which losses were the rule.

Estimated takings for the week ending Aug. 14:

"Walt Disney Festival" (RKO)
"I'm Nobody's Sweetheart Now" (Univ.)
KEITH BOSTON—(3,200) (15c-25c-35c-40c) 7 days. Gross: $6,000. (Average, $8,000)
"The Ramparts We Watch" (RKO)
"Slightly Tempted" (Univ.)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: $13,500. (Average, $16,000)
"My Love Came Back" (W. B.)
"Pier 13" (20th-Fox)
METROPOLITAN — (4,367) (25c-35c-40c-55c) 7 days. Gross: $12,000. (Average, $15,500)
"Mystery Sea Raider" (Para.)
"Girl from Avenue A" (20th-Fox)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $7,000. (Average, $7,500)
"Mystery Sea Raider" (Para.)
"Girl from Avenue A" (20th-Fox)
FENWAY — (1,320) (25c-35c-40c-55c) 7 days. Gross: $4,000. (Average, $4,500)
"Maryland" (20th-Fox)
'Golden Gloves" (Para.)
SCOLLAY — (2,500) (25c-35c-40c-55c) 7 days. Gross: $3,000. (Average, $4,000)
"Pride and Prejudice" (M-G-M)
"We Who Are Young" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: $14,500. (Average, $12,000)
"Pride and Prejudice" (M-G-M)
"We Who Are Young" (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: $18,200. (Average, $17,500)

'Daltons' at $6,500 Does Well in Detroit

DETROIT, Aug. 21.—"When the Daltons Rode" took $6,500 at the Adams. The Michigan, with "South of Pago Pago" and "Sporting Blood" reported average business of $12,000.

Estimated takings for the week ending Aug. 15:

"When the Daltons Rode" (Univ.)
"The Man I Married" (20th-Fox)
ADAMS—(1,600) (15c-50c) 7 days. Gross: $6,500. (Average, $5,000)
"The Mortal Storm" (M-G-M)
"Those Were the Days" (Para.)
FISHER—(2,700) (15c-50c) 7 days. Gross: $6,800. (Average, $7,000)
"Boys from Syracuse" (Univ.)
"Beyond Tomorrow" (RKO)
FOX—(5,000) (15c-55c-65c) 7 days. Gross: $12,500. (Average, $15,000)
"South of Pago Pago" (U. A.)
"Sporting Blood" (M-G-M)
MICHIGAN—(4,000) (15c-55c-65c) Gross: $12,000. (Average, $12,000)
"I Love You Again" (M-G-M)
"Gold Rush Maisie" (M-G-M)
PALMS—(2,000) (15c-39c-55c) Gross $7,000. (Average, $7,000)

Frisco Unions Merge

SAN FRANCISCO, Aug. 21.—Theatrical Employes Union, Local B-18, has absorbed Theatrical Wardrobe Attendants Union, Local 22,082, on an affirmative vote of both memberships, according to Walter Sutherland, business agent of the former. Mrs. Ines Dodson, business manager of the defunct group, has become a steward in the larger union.

Heads Sales for Astor

W. J. Figueroa has been named general sales manager of Astor Pictures Corp., succeeding O. K. Bourgeois, who has taken over the Texas, Arkansas and Oklahoma franchise.

Critics' Quotes . . .

"I LOVE YOU AGAIN" (M-G-M)

As goofy a comedy as has been turned out of Hollywood since the age of nonsense was inaugurated . . . Ably directed by W. S. Van Dyke, II.—*Kate Cameron, N. Y. Daily News.*

It's remarkable what a perfectly grand picture can be built around a crack on the head . . . William Powell and Myrna Loy are extra funny in this swell, laugh-provoking film . . . A fast and funny comedy.—*Lee Mortimer, N. Y. Daily Mirror.*

An anything but dull domestic comedy . . . Mr. Powell and Miss Loy are one of our most versatile and frisky connubial comedy teams . . . A sure screw-ball for the corner pocket. Mark it up!—*Bosley Crowther, N. Y. Times.*

An antic mood has been captured and admirably sustained . . . The show makes uproarious capital of small-town stuffed shirts and confidence men . . . A very funny continuity brilliantly interpreted by William Powell and Myrna Loy.—*Howard Barnes, N. Y. Herald Tribune.*

"I Love You Again" is merely, simply terrific.—*Cecelia Ager, PM.*

Myrna Loy and William Powell are back together again in one of those daffy romantic comedies that made their team so popular . . . While you're watching the screen you can't possibly worry about the state of the world; you're too busy laughing . . . It's a cheerful piece.—*Eileen Creelman, N. Y. Sun.*

All hands involved in "I Love You Again" rate a round-robin of thanks for a bracing two hours of comic escape . . . Moves at a brisk and sparkling pace in a realm of high farce.—*Louis Biancolli, N. Y. World-Telegram.*

Myrna Loy and William Powell provide slick entertainment . . . The gags supplied them are funny and the general idea of it all is one of wacky gaiety. —*Rose Pelswick, N. Y. Journal and American.*

"THE GREAT PROFILE" (20th Century-Fox)

The production qualifies as hitting the topical trend in a new way . . . If this be an age involving the demolition of values, then the picture may be rated excellent entertainment . . . It is chock-full of laughs, and the star plays his role to the hilt.—*Edwin Schallert, Los Angeles Times.*

No one can accuse John Barrymore of being a poor sport . . . He ridicules himself . . . Naturally such a personal expose bears a million laughs and comedy galore . . . Much of the credit goes to Walter Lang, who does a top job of directing.—*Louella O. Parsons, Los Angeles Examiner.*

Now we must double over with guffaws and do John Barrymore honor as a top-ranking comedian . . . Merry mad marital mix-ups, his eccentric mannerisms . . . have found their way into this daffydilly comedy.—*Jimmy Starr, L. A. Evening Herald and Express.*

"THEY DRIVE BY NIGHT" (Paramount)

Ida Lupino's brilliantly tragic acting in "They Drive by Night" makes that film stand out above Hollywoodian "tough guy" and "wise-cracking" episodes. —*C. J. Bulliet, Chicago Daily News.*

"They Drive by Night" is a good melodrama, with its fast story ever on the jump . . . There is a most admirable portrayal by Ida Lupino.—*Norman Clark, Baltimore News-Post.*

Pretty exciting for the better part . . . The real star of the occasion, in our estimation, is Ida Lupino.—*Gilbert Kanour, Baltimore Evening Sun.*

Acting honors go to Ida Lupino . . . The role gives her an opportunity to run the gamut and she makes the best of every scene . . . Can be put in the class of good entertainment.—*Baltimore Morning Sun.*

"RETURN OF FRANK JAMES" (20th Century-Fox)

Now 20th Century-Fox has followed up the adventures of Jesse James with an exciting and happier tale of what happened to brother Frank . . . Enlivened by excellent riding episodes.—*Boston Daily Globe.*

You can have the time of your life at "The Return of Frank James," which brings he-man, two-gun excitement in color to the screen . . . Henry Fonda gives a splendid performance.—*Boston Record.*

Western thriller . . . Fonda gives a colorful performance . . . Gorgeous scenery abounds . . . The picture is entertainment every foot of the way.—*Rita Swann, Baltimore News-Post.*

Under Fritz Lang's intelligent direction, the action does not lag for a minute . . . Well-paced, the picture is marked by several short scenes that give the picture definite touches.—*Baltimore Morning Sun.*

"THE SEA HAWK" (Warners)

We can't think of another actor in Hollywood better fitted than Flynn for the swashbluckling antics of these costume dramas . . . Gorgeously mounted, with spectacular scenes, the film is a thrilling, hair-raising, eye-filling yarn.—*Mildred Martin, Philadelphia Inquirer.*

Here is glorious adventure . . . Two hours of perfect adventure story . . . Here is action, suspense in epic sweep. The canvas is broad and eye-filling . . . You can believe some of it, or none, but it's wonderful.—*Arthur Bronson, Philadephia Record.*

The film is fraught with many breath-taking adventures, though somewhat slow-moving in parts.—*Dorothy Guinan, Philadelphia Daily News.*

It is a gorgeous spectacle, probably the most elaborate of its species since the advent of sound . . . It is straight from the shoulder cinema with an agile cast headed by Errol Flynn . . . We were entranced.—*Ollie Wood, Philadelphia Ledger.*

The popularity of "The Sea Hawk" will be in direct proportion to lovers of sea tales . . . Chief virtues are in the department of photography.—*Laura Lee, Philadelphia Bulletin.*

'Love You' Is Philadelphia Best, $32,000

PHILADELPHIA, Aug. 21. — Grosses at the downtown houses continued on above-average levels with the strongest showing registered by "I Love You Again," at the Earle and Stanley with a total of $32,000. It took $14,000 at the Earle and $18,000 at the Stanley.

Estimated takings for the week ending Aug. 15-18:

"Andy Hardy Meets Debutante" (M-G-M)
"Untamed" (Para.)
ARCADIA—(600) (35c-46c-57c) 4 days, 3rd run, 2nd week. $2,400; 3 days, 2nd run, $700. Gross: $3,100. (Average, $2,600)
"Pride and Prejudice" (M-G-M)
BOYD — (2,400) (35c-41c-46c-57c-68c) 7 days, 2nd week. Gross: $9,000. (Average, $13,000)
"I Love You Again" (M-G-M)
EARLE — (4,000) (35c-41c-46c-57c-68c) 7 days. Gross: $14,000. (Average, $14,000)
"The Boys from Syracuse" (Univ.)
FOX—(3,000) (35c-41c-46c-57c-68c) 7 days. Gross: $12,000. (Average, $13,000)
"Maryland" (20th-Fox)
KARLTON — (1,000) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $3,600. (Average, $3,000)
"All This, and Heaven Too" (W. B.)
KEITH'S — (2,200) (35c-41c-46c-57c-68c) 7 days, 2nd run, 2nd week. Gross: $4,300. (Average, $4,500)
"I Love You Again" (M-G-M)
STANLEY—(3,700) (35c-41c-46c157c-68c) 7 days. Gross: $18,000. (Average, $14,000)
"Gold Rush Maisie" (M-G-M)
STANTON—(1,700) (35c-46c-57c) 7 days. Gross: $4,400. (Average, $4,500)

'Boom' With $19,000 Indianapolis Smash

INDANAPOLIS, Aug. 21. — "Boom Town" at Loew's was one of the theatre's best pictures, both in attendance and gross, drawing a supersmash $19,000, exceeded in the last decade only by "Gone With the Wind." It was held. The weather was hot and dry.

Estimated takings for the week ending Aug. 16:

"The Who Talked Too Much" (W. B.)
"My Love Came Back" (W. B.)
CIRCLE—(2,800) (28c-33c-44c) 7 days. Gross: $5,300. (Average, $6,000)
"They Drive By Night" (W. B.)
"Pop Always Pays" (RKO)
INDIANA—(3,200) (28c-33c-44c) 7 days. Gross: $6,200. (Average, $5,500)
"Boom Town" (M-G-M)
LOEW'S—(2,800) (35c-44c-60c) 7 days. Gross: $19,000. (Average, $7,000)
"Scatterbrain" (Rep.)
LYRIC—(2,000) (28c-33c-44c) 7 days. Stage: Sunny Side Up Revue, with Carl Freed and His Harmonica Rascals, and Helene Denizon. Gross: $7,500. (Average, $8,000)

'Heaven' at $8,500 Scores in Montreal

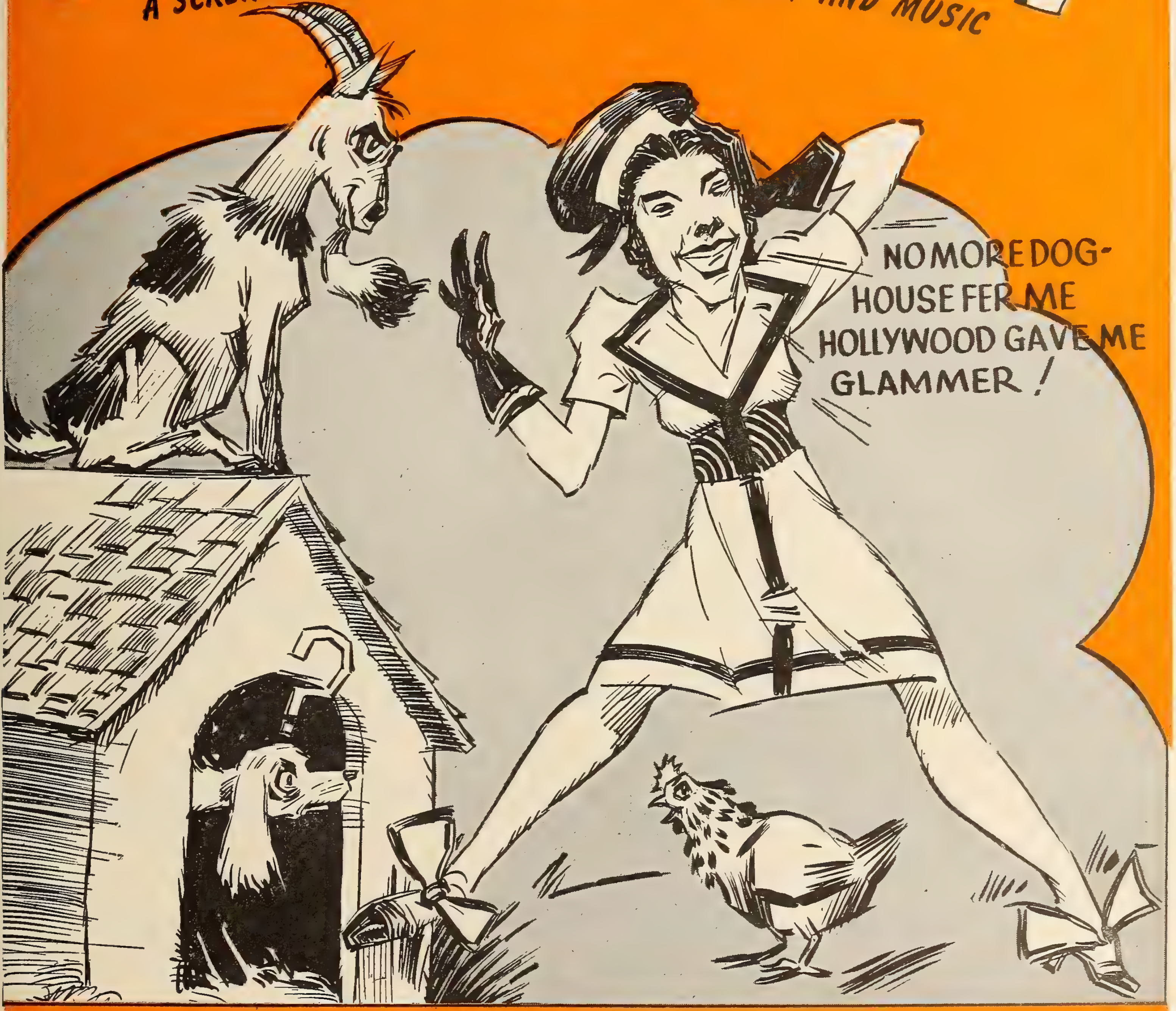
MONTREL, Aug. 21. — "All This, And Heaven Too" made an excellent start at Loew's with $8,500. The Palace drew $7,200 with "Maryland." The Orpheum was closed down for a general overhauling.

Estimated takings for the week ending Aug. 16:

"The Great McGinty" (Para.)
"Ladies Must Live" (W. B.)
CAPITOL — (2,547) (25c-40c-55c-65c) 7 days. Gross: $6,900. (Average, $8,000)
"All This, and Heaven Too" (W. B.)
LOEW'S — (2,800) (30c-50c-60c) 7 days. Gross: $8,500. (Average, $8,000)
"Maryland" (20th-Fox)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $7,200. (Average, $9,000).
"Gold Rush Maisie" (M-G-M)
"We Who Are Young" (M-G-M)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $3,900. (Average, $5,000)

SCATTERBRAIN

A SCREAMINGLY FUNNY JAMBOREE OF GAIETY AND MUSIC


NO MORE DOG-HOUSE FER ME HOLLYWOOD GAVE ME GLAMMER!

JUDY CANOVA • *Alan* **MOWBRAY** • *Ruth* **DONNELLY** • *Joseph* **CAWTHORN** • *Eddie* **FOY, JR.** • *Billy* **GILBERT**

WALLACE FORD • ISABEL JEWELL • LUIS ALBERNI • EMMETT LYNN • JIMMY STARR • CAL SHRUM'S GANG

MATTY MALNECK AND HIS ORCHESTRA

A REPUBLIC PICTURE

Frisco Fair Passes 4 Million Attendance

San Francisco, Aug. 21.—With only six weeks left to go, and attendance over the 4,000,000 mark, officials of the World's Fair here are lining up a series of free features to boost admissions even higher. Events planned include free entertainment, educational features, concerts and many celebrations, including San Francisco Day on Sept. 15.

Request Permit for Station in Oklahoma

WASHINGTON, Aug. 21.—Construction permit for a new 690-kilocycle, 50,000-watt broadcasting station in Tulsa, Okla., has been asked of the Federal Communications Commission by the Fred Jones Broadcasting Co.

The application was not filed for immediate construction, but was offered in anticipation of the application of the Havana treaty.

Other applications received by the commission included the requests of Stations WHBU, Anderson, Ind., for increase of night power from 100 to 250 watts; WLBZ, Bangor, Me., for increase of power from 500 watts night, 1,000 watts day, to 5,000 watts, and WEVD, New York, for authority to move the transmitter from Brooklyn to New York and increase power from 1,000 to 5,000 watts.

Off the Antenna

IRVING CAESAR, president of the Songwriters Protective Association, yesterday issued a seven-page statement assailing Broadcast Music, Inc., for refusal to accept the basic contract which has been in use with other music publishers. He calls attention to the fact that BMI agrees to pay royalties on sheet music, orchestrations, instrumental copies, foreign royalties, records and synchronizations with motion pictures while no provision is made for royalties for sale or licenses for the use of titles, electrical transcriptions, dramatizations, television or sources to be developed in the future. Caesar also points out that there is no specific plan in the contract for payment for radio rights.

• • •

Purely Personal: *C. W. Fitch, business manager of the NBC program department, on Sept. 1 will join the Chicago Museum of Science and Industry, now headed by Lenox R. Lohr, former NBC president. . . . Cecil Hackett has been named WINS general manager. . . . Fred Mears, formerly of the NBC press department, will join the Mutual publicity office Monday.*

• • •

Edgar Kobak, NBC vice-president in charge of Blue network sales, will launch the sales drive in earnest tonight at a dinner for all Blue salesmen at the Engineers Club. An item expected to receive attention is that a Blue program, H. V. Kaltenborn's newscasts, is tied for first place with Major Bowes' "Amateur Hour" among all evening shows. According to the latest Hooper survey, both Kaltenborn and Bowes have ratings of 11.6.

• • •

Program News: Parks Johnson and Wally Butterworth have been renewed for the Fall over CBS with their "Vox Pop" program by Penn Tobacco. . . . WNYC for the third year will give daily coverage of the Eastern Tennis Championships. . . . General Foods will sponsor "Symphony Hour" over WQXR for 26 weeks beginning Sept. 4. . . . Andrew Jergens Co. has renewed "Hollywood Playhouse" for 13 weeks over 62 NBC-Red stations. . . . "This Is My Land," a sustaining series, will start Saturday at 1 P.M. over CBS. . . . "Confidentially Yours" returns to Mutual Oct. 1 after a Summer layoff, under the sponsorship of Richfield Oil Corp. . . . "Wake Up America," a new forum series, will be sponsored over Mutual Mondays at 9 P. M. by the American Economic Foundaiton, non-profit society.

Showmanship Flashes . . .

'Hubby Contest' Used For 'Pride and Prejudice'

CLEVELAND, Aug. 21. — A "bubby contest" was used here by Loew's State to plug "Pride and Prejudice." Open to all comers, the contest was to compose a winning set of five rules for winning a husband. Prizes included $15 in cash and 15 pairs of tickets. The stunt was done in cooperation with the Cleveland *Plain Dealer*.

Envelopes on Street Plug 'Love Came Back'

PHILADELPHIA, Aug. 21. — Leo Trainor, manager of the Rialto, attracted attention for "My Love Came Back" by passing out on the street 1,000 envelopes on which it was printed that they contained a penny and another "scent" for an excellent motion picture. Inside was an actual penny and a herald on the picture.

Review Contest Used For 'Love You Again'

Newspaper readers were asked to turn critics in the campaign on "I Love You Again" put over by Robert Corbin of the Michigan Theatre in Detroit. He planted a contest in the Detroit *Times* in which the readers were asked to see the picture and then submit reviews. The best entries were awarded cash prizes and guest tickets.

Standing Figure Is Ready on 'Sea Hawk'

For "The Sea Hawk," in addition to posters, window cards and similar usual accessory material, the Warner advertising department has prepared a life-size standing figure of heavy stock, done in 12 colors, with a double-wing easel. In addition, a four-page, tabloid size, roto herald has been prepared.

Promotes Giant Tractor To Plug "Boom Town"

For his campaign on "Boom Town," Rodney Toups of Loew's State in New Orleans promoted a "marsh buggy," giant tractor with rubber tires more than 10 feet high, and sent it through the city streets, carrying film and theatre copy on the picture.

Kit Carson Grandson Will Tour Country

To climax the pre-selling campaign for "Kit Carson," Edward Small-United Artists film, Kit Carson, III, grandson of the American frontier scout, will make an extensive tour of the country. He will carry the personal greetings of Gov. Ralph Carr of Colorado and other states' chief executives. He will arrive here Sept. 12.

Portable Derrick Is 'Boom Town' Exploitation

An eight-foot portable derrick, with five-foot electric letters around the base. was installed on the court house lawn at Tulsa, Okla., as part of the "Boom Town" campaign put over by Ralph Talbot, Orpheum. A former oil worker buddy of Clark Gable, one of the stars of the film, was brought to Tulsa from his nearby home town and provided newspaper reminiscences.

Theatre Changes

Plans Cincinnati Suburban

CINCINNATI, Aug. 21.—Maurice Chase has broken ground for a 500-seat theatre in suburban Hartwell, to be known as the Vogue. Chase, who formerly conducted an independent exchange here, operates the Roselawn and Crescent, and is interested in the Aven, local suburbans.

Reopen Wilmington House

WILMINGTON, Del., Aug. 21.—The Arcadia, Stanley-Warner, Wilmington downtown theatre, will reopen Aug. 31. The theatre, which has been closed for the past 18 months is being renovated. A new 10-year lease has been signed with the Topkis-Ginns Amusement Co., the owners.

Plans Tennessee Drive-In

CHATTANOOGA, Tenn., Aug. 21.—Abe H. Borisky, secretary-treasurer of the Independent Theatres, operators of six neighborhood houses here, plans a new open-air, drive-in theatre in Brainerd, to cost between $35,000 and $40,000 and to accommodate between 500 and 600 parked automobiles.

Georgia Town Gets 4th House

VALDOSTA, Ga., Aug. 21.—Valdosta's fourth theatre, the Grand, has opened in the downtown business section.

Indiana Firm Changes Name

DOVER, Del., Aug. 21.—Indiana Theatre Corporation, a Delaware corporation, has changed its name to Indiana-Illinois Theatres, Inc., the secretary of state has announced.

Buys Cincinnati House

CNCINNATI, Aug. 21. — Mitchell Cohen of Norfolk, Va., has purchased the 1,400-seat neighborhood Casino from Phillip Miller. Transfer is effective Sept. 1, when the house will be closed for two weeks for installation of air-conditioning and new seats. It will be renamed the Regal.

Purchases Texas Theatre

EDINBURGH, Tex., Aug. 21. — The Juarez has been sold to Dr. J. L. Montague, operator of the Azteca here. He is also constructing a new theatre to seat 850 and cost $45,000.

Opens Kentucky Theatre

CNCINNATI, Aug. 21.—John Loofbourrow and J. Ebersole Crawford, who operate the suburban Woodlawn in nearby Cheviot, have opened the new 550-seat Four Star Dixie, located on Dixie Highway, at Ft. Mitchell, Ky., just across the river from here. House will operate evenings only, playing subsequent run, at a 25-cent scale.

Will Reopen Providence House

PROVIDENCE, Aug. 21. — George French, relief manager at RKO houses in New York during the Summer, is back in Providence where he will reopen the RKO Albee Aug. 29.

Individual Sound in Drive-In

PROVIDENCE, Aug. 21.—A new system of amplification for drive-in theatres has been installed at E. M. Loew's Drive-In and is now in use, the first of its kind in New England. Each car is provided by attendants with its own amplifier which can be controlled for volume by the individual patron. New equipment cost approximately $10,000, according to W. D. McGhee, manager.

Manages Indianapolis House

INDIANAPOLIS, Aug. 21. — Roger McAndrews is new manager of the Sheridan, neighborhood house of the Cantor circuit, succeeding Don Mayer, resigned. McAndrews has been with Cantor three years and lately has been assistant manager of the Rivoli and relief manager of the Parker.

Reopening Missouri House

KANSAS CTY, Aug. 21. — R. R. Hesse and E. W. Ferguson will reopen the Ferguson at Memphis, Mo., early in September after re-seating and remodeling.

New Sound in Milwaukee House

MILWAUKEE, Aug. 21.—Fox's Palace, local first run, has been closed for a short time during which new sound equipment is being installed.

Vincent Dunfey to Providence

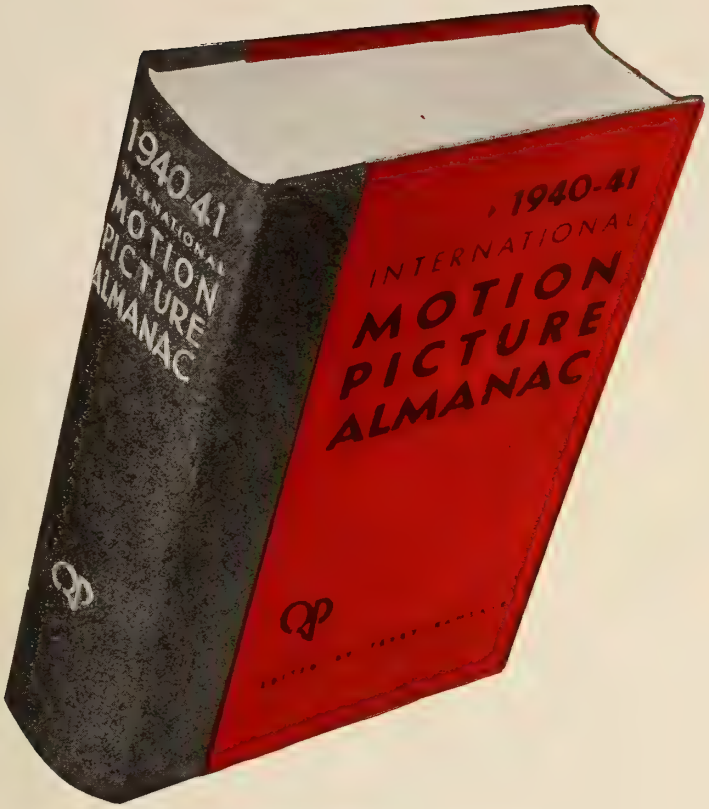
PROVIDENCE, Aug. 21. — Vincent Dunfey, formerly of Loew's State, Boston, has been permanently assigned to Loew's State here as second assistant manager.

Adds Seats to Texas House

LEONARD, Tex., Aug. 21. — L. B. Crow is adding 150 seats to the balcony of the Aztec.

Theatre Gets New Front

SAULT STE., MARIE, Mich., Aug. 21.—Charles De Paul is installing a new front on the Soo Theatre here at a cost of about $3,000.


1940-41
INTERNATIONAL
MOTION
PICTURE
ALMANAC
QP

Edited by TERRY RAMSAYE

Out Soon!

THE 1940-41 INTERNATIONAL MOTION PICTURE ALMANAC IS ON THE PRESS. WORLD-WIDE DISTRIBUTION WILL BEGIN SOON. RESERVE YOUR COPY NOW!

THREE DOLLARS THE COPY

QUIGLEY PUBLICATIONS
ROCKEFELLER CENTER NEW YORK

MOTION PICTURE DAILY'S BOOKING CHART

Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
July 26	Blondie Has Servant Trouble (C) *Singleton-Lake*	Gold Rush Maisie (C) *Ann Sothern Lee Bowman*	Haunted House (D) *Marcia Mae Jones Jackie Moran*	Untamed (D) *Ray Milland P. Morison A. Tamiroff*	Girl From God's Country (D) *Morris-Wyatt*	Stage to Chino (O) Millionaires in Prison (D)			You're Not So Tough (D) When the Daltons Rode (O)	Ladies Must Live (D) *R. Lane Jeffrey Lynn*
Aug. 2		Pride and Prejudice (C) *Greer Garson L. Olivier*	Orphans of the North (D) Rainbow Over the Range (O)	Golden Gloves (D) *Richard Denning Robert Paige*	Ranger and the Lady (O) *Roy Rogers*	Queen of Destiny (D) Walt Disney Festival	The Man I Married (D) *Joan Bennett F. Lederer*		South to Karanga (O) *Chas. Bickford James Craig*	They Drive By Night (D) *Ann Sheridan H. Bogart*
Aug. 9	The Lady in Question (D) *Brian Aherne*	I Love You Again (D) *William Powell Myrna Loy*	Doomed to Die (D)	Mystery Sea Raider (D) *H. Wilcoxon Carole Landis*	Sing, Dance Plenty Hot (M) *Johnny Downs Ruth Terry*	One Crowded Night (D) *William Haade Billy Seward*	Girl From Ave. A (D) *Jane Withers C. Aldrich*	Captain Caution (D) *Victor Mature Louise Platt*	Boys from Syracuse (M) *Allan Jones Martha Raye*	River's End (D) *Dennis Morgan Victor Jory*
Aug. 16	The Durango Kid (O) The Secret Seven (D)	Golden Fleecing (D) *Lew Ayres Rita Johnson*	Laughing at Danger (D)	Comin' Round the Mountain (C) *Burns-Merkel*	Tulsa Kid (O) *Barry-Beery*	Ramparts We Watch (D) Stranger on the Third Floor (D)	Return of Frank James (O) *Henry Fonda Jackie Cooper*	Foreign Correspondent (D) *Joel McCrae Laraine Day*		Money and the Woman (D) *Jeffrey Lynn Brenda Marshall*
Aug. 23	He Stayed for Breakfast (C) *Loretta Young Melvyn Douglas*		Missing People (D) Arizona Frontier (O) Range Busters	The Great McGinty (C) *Brian Donlevy Muriel Angelus*	Oklahoma Renegades (O)	Dance, Girl, Dance (D) Wildcat Bus D)	Pier 13 (D) *Lynn Bari Lloyd Nolan*			Flowing Gold (D) *Pat O'Brien John Garfield*
Aug. 30	Five Little Peppers in Trouble (D) *Edith Fellows*	Boom Town (D) *Clark Gable Spencer Tracy*	Queen of the Yukon (D) *Chas. Bickford Irene Rich*		Earl of Puddlestone (C)	Lucky Partners (D) *Ginger Rogers Ronald Colman*	Young People (D) *Shirley Temple Jack Oakie*	Kit Carson (O) *Lynn Bari Jon Hall*		Sea Hawk (D) *Errol Flynn Brenda Marshall*
Sept. 6	Fugitive From a Prison Camp (D) *Jack Holt Marion Marsh*	Dr. Kildare Goes Home (D) *Lew Ayres L. Barrymore*	Up in the Air (D) *Frankie Darro*	Rhythm on the River (M) *Bing Crosby Mary Martin*	Ride, Tenderfoot, Ride (O) *Gene Autry Smiley Burnett*	Men Against the Sky (D) *Richard Dix Kent Taylor*	Chan at Wax Museum (D) *Sidney Toler*		Argentine Nights (M) *Ritz Brothers Andrew Sisters*	Calling All Husbands (C) *Tobias-Truex*
Sept. 13	Before I Hang (D) *Boris Karloff Evelyn Keyes*	Wyoming (D) *Wallace Berry Leo Carrillo*	Who Is Guilty? (D) *Ben Lyons Barbara Blair*		Girl from Havana (D) *O'Keefe-Carleton*	Dreaming Out Loud (C) Wagon Train (O)	Elsa Maxwell's Public Deb. No. 1 (C) *Murphy-Joyce*	The Great Dictator (C) *Charles Chaplin*	Hired Wife (C) Leather Pushers (D)	No Time for Comedy (C) *Stewart-Russell-Ruggles*
Sept. 20	Howards of Virginia (D) *Cary Grant Martha Scott*	Strike Up The Band (M) *Rooney-Garland Paul Whiteman*	The Ape (D) *Boris Karloff*	I Want A Divorce (D) *Joan Blondell Dick Powell*	Colorado (O) *Rogers-Hayes*	I'm Still Alive (D) *Kent Taylor Linda Hayes*	Yesterday's Heroes (D) *Sterling-Rogers*	The Westerner (O) *Gary Cooper Walter Brennan*	Mummy's Hand (D) Ragtime Cowboy Joe (O) *Brown-O'Day*	City for Conquest (D) *Cagney-Sheridan*
Sept. 27	Angels Over Broadway (D) *D. Fairbanks, Jr.* Glamour for Sale (D)	Haunted Honeymoon (D) *R. Montgomery C. Cummings*	That Gang of Mine (D) *Gorcey-Jordon*	Rangers of Fortune (O) *MacMurray-Morris*	Under Texas Skies (O) *Mesquiteers*	They Knew What They Wanted (D) Triple Justice (O)	Brigham Young (D) *Tyrone Power Linda Darnell*	Thief of Bagdad (D) *Conrad Veidt Sabu*	Spring Parade (M) *Deanna Durbin Robert Cummings*	East of the River (D) *Garfield-Marshall*
Oct. 4			Drums of the Desert (D)	The Quarterback (C) *Wayne Morris Virginia Dale*		The Villain Still Pursued Her (C) *Herbert-Louise*	Gay Caballero *Cesar Romero Robert Sterling*		Diamond Frontier (D) *McLaglen-Nagel*	Knute Rockne-All American (D) *O'Brien-Page*
Oct. 11			Old Swimmin' Hole (D) *Moran-Jones*	Victory (D) *Fredric March Betty Field*		Too Many Girls (M) *Ball-Carlson*	The Great Profile (C) *John Barrymore Mary B. Hughes*		Tropical Sinners (D) *Dietrich-Wayne*	

PARAMOUNT SHORTS . . .
Built to balance any program!

August 2
Cinecolor
"UNUSUAL OCCUPATIONS No. 6"

August 9
Paragraphic
"PARAMOUNT PICTORIAL No. 2"

August 9
Stone Age Cartoon
"THE FULLA BLUFF MAN"

August 16
Popeye Cartoon
"WIMMIN HADN'T OUGHTA DRIVE"

100% BOX OFFICE TESTED

DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 39 NEW YORK, U. S. A., FRIDAY, AUGUST 23, 1940 TEN CENTS

David Selznick Forms His Own Film Company

Dissolves His Partnership With J. H. Whitney

David O. Selznick, yesterday realized a lifelong wish when he became sole owner of his own producing company, which is to be known as David O. Selznick Productions, Inc. The former Selznick International Pictures, Inc., in which he was financially associated with John Hay Whitney, John D. Hertz, Robert Lehman and others will be dissolved. Selznick will continue to produce for United Artists He has two more pictures to make under his U.A. contract.

David O. Selznick

Selznick's new company takes over S-I's contracts with Vivien Leigh, Ingrid Bergman, Joan Fontaine, Alfred Hitchcock, Robert Stevenson, Alan Marshal and Hattie McDaniel.

In the new company, Daniel T. O'Shea will be general manager and the firm will include such executive personalties as Katharine Brown and Val Lewton.

John Hay Whitney, Frank Alstock and David Selznick, himself, will serve as trustees in dissolution of S-I.

Broadway Grosses Continuing Strong

Aided by cooler weather and the customary influx of visitors to the city during the latter weeks of August, Broadway first runs continued to draw substantial grosses during the past week. Although several houses had holdover attractions, the take for the second week almost equaled opening grosses.

"I Love You Again" had a smash opening at the Capitol where it drew an estimated $50,000 for its first week and it will be held for three weeks. At the Music Hall "Pride and Prejudice" with a stage show grossed an estimated $97,000 for its second week and continued strong yesterday when it started its third. If weekend busi-

(*Continued on page 6*)

U. S. and 'Big 5' Reach Agreement in Principle

Leading figures in the decree negotiations

Left to right: Sidney R. Kent, president of 20th Century-Fox; Barney Balaban, president of Paramount; Thomas D. Thacher, chief counsel for Paramount, and Thurman W. Arnold, Assistant U. S. Attorney General.

Accord Predicated Upon Approval of Attorney General Jackson

By SAM SHAIN

The Big 5 and the Government yesterday agreed in principle to a consent decree embodying substantially the Kent-Balaban escape clause conditions. Both sides compromised.

This acceptance in principle is predicated upon approval of the new terms by U. S. Attorney General Robert H. Jackson.

Under terms of the new clause, an automatic escape is provided for the defendants in the event that Universal, United Artists and Columbia are not under the pact on June 1, 1942, nine months after the proposed effective date of the decree. Also, the defendants have the right to retain the present decree terms or elect to have whatever new terms Universal, Columbia and United Artists receive, if the latter come in under the pact, through a trial of the case or voluntarily.

The escape provisions apply to Sections 1 and 2, namely the trade showing and the unit selling in block of five provisions. It is predicated upon an assumption that the Government will bring Universal, Columbia and United Artists to trial. By this agreement a collapse of the peace negotiations was averted. It is understood that trade showings will become permanent when all the companies, who are defendants to the suit, come in under the pact.

An official armistice, however, will not be declared until after Labor Day,

(*Continued on page 6*)

History of Negotiations

On Monday, June 3, trial of the Government anti-trust suit against the eight major companies opened before Federal Judge Goddard in New York. Following representations to the major company defendant attorneys by Assistant Attorney General Thurman W. Arnold during that week, the trial was adjourned on Monday, June 10, until Wednesday, June 12.

Judge Goddard, in granting the first of several adjournments, urged that every effort be made to reach a settlement of the suit. The five theatre owning companies were represented at the first settlement discussions.

The Government's initial proposals as a basis for settlement embraced

(*Continued on page 3*)

The New Escape Clause

Following is the text of the new escape clause (Section 9 of the proposed consent decree) which has been agreed to in principle by the Big 5:

"If on June 1, 1942, no final decree shall have been entered herein requiring each of the defendants, United Artists, Universal and Columbia to trade show their features and to license them in groups for exhibition, Sections 1 and 2 of this decree shall be inoperative and of no binding force and effect upon any of the defendants consenting to this decree as to features released after August 31, 1942.

"If prior to June 1, 1942, such a decree shall have been entered against United Artists, Universal and Columbia, any defendant consenting to this decree shall upon its election be relieved from further compliance with Sections 1 and 2 of this decree upon complying with all provisions in such decree requiring United Artists, Universal and Columbia to trade show their features and to license them for exhibition in groups, and an order or supplemental decree to that effect shall be entered herein upon the application of the defendant or defendants so electing. Such election may be made at any time after the entry of such a decree against United Artists, Universal and Columbia."

20th-Fox Answer in Schine Action Filed

BUFFALO, Aug. 22.—Twentieth-Century-Fox Film Corp. today filed an answer in the Government's anti-monopoly suit against Schine Chain Theatres, et al, denying charges that it played a part in the alleged conspiracy.

This brings to seven the number of distributors who have filed papers to counteract the recent Government bill of particulars.

July Tax Revenue Is Up to $1,650,163

Washington, Aug. 22.—Federal admission tax collections in July totaled $1,650,163, a gain of approximately $4,500 over the June revenue of $1,645,603 and nearly $116,000 over the $1,534,250 recorded for July, 1939, it was reported today by the Bureau of Internal Revenue.

The month's collections represented the return of taxes on June business, the last month in which the 40-cent exemption applied.

The sixth successive month in which collections were above those for the corresponding period in 1939, the July receipts brought the total for the first seven months of the year to $12,817,934, well over $2,000,000 ahead of the $10,689,477 collected in the same period last year, the bureau disclosed.

Following the normal season trend, collections in the Third New York (Broadway) District nose dived in July to $484,661 from $521,904, the Bureau reported.

Box-office collections dropped from $466,371 to $434,748, and admissions to roof gardens and cabarets dropped from $37,587 to $31,633, but receipts in the other categories increased. Tickets sold by brokers returned $16,937 compared with $14,193, tickets sold by proprietors in excess of established prices were $1,250, compared with $135 in June.

Personal Mention

Carter Barron, Loew's Eastern division manager, and Dan Terrell, the new publicity director of Loew's in Washington, were home office visitors yesterday.

•

Oscar A. Doob, director of advertising and publicity for Loew's circuit, will fly to Denver tomorrow to attend the "Kit Carson" premiere.

•

Charles Raymond, Loew's district manager, has returned to Cleveland after conferences with home office executives.

•

Mr. and Mrs. A. H. Blank have returned to Des Moines after a stay of several weeks at Colorado Springs.

•

Thomas M. Hoffman of Comerford Theatres real estate department in Scranton, Pa., has announced his engagement to Catherine O'Boyle of Scranton.

•

Sidney Deneau, head Fabian booker, has returned to the home office after a trip to Albany. Louis R. Golding, district manager in Albany for the circuit, has returned there after several days at the home office.

•

Paul Wallin, manager of the Leland Theatre, Albany, is vacationing with relatives at Mt. Vernon, N. Y.

Si H. Fabian, head of the circuit bearing his name, has returned to his desk after an illness of several weeks.

•

Al Young, Jack Goetz, Joseph Pincus, Joseph Moskowitz, J. J. Milstein, Arthur Silverstone, Clarence Eiseman at Lindy's (51st St.) yesterday for lunch.

•

Barney Balaban, Austin Keough, Louis Phillips, Leon Netter, Leonard Goldenson, Paul Strege, John Golden, Arthur Krim, Sidney Phillips, Judge Thomas D. Thacher, Frederic Lonsdale, Nat Karson, Clayton Bond, James Strook, Arthur Margetson, George Ballanchine for lunch yesterday at Sardi's.

•

Leo Spitz, George Skouras, Morris Kinzler, Dave Levey, Russell Holman, Charles E. McCarthy, Edward Saunders, William Rodgers, Thomas J. Connors, Max Cohen, Rudolph Montegelas at Nick's Hunting Room at the Astor yesterday for lunch.

•

Lynn Farnol, Charles Alicoate, Lou Rydell, Joe Gallagher, Murray Silverstone, Albert Margolies, Monroe Greenthal, Arthur Jeffrey, Douglas Rothacker, Hank Linet, Ray Gallagher, James Cron, Lou Pollock, Fred J. McConnell, Herman Starr, Harry C. Arthur, Jr., Abe Montague, Jeffrey Bernerd at the Tavern yesterday for lunch.

•

William Keighley, Warner director, has been named to an honorary professorship at the University of Southern California to conduct a weekly class in motion picture direction.

•

Emil Franke, manager of the RKO Orpheum in Des Moines, has returned with Mrs. Franke from a vacation in Chicago.

•

Jerry Massimino, manager of the Warner New Haven accessories department and his bride, the former Gertrude Sullivan of the RKO New Haven exchange, are spending their honeymoon here.

•

Virginia Priebe of the Paramount Des Moines exchange leaves Sept. 1 for a vacation in Kansas City.

UNITED INAUGURATES
SLEEPER FLIGHTS
TO LOS ANGELES
WITH NO CHANGE OF PLANES

The CONTINENTAL
Lv. New York 7 pm. Ar. Los Angeles 9:45 am.
Thru Mainliner sleeper flight.

The OVERLAND FLYER
Lv. New York 10:40 pm. Ar. Los Angeles 1:40 pm. Thru Mainliner sleeper flight.

The CALIFORNIAN
Lv. New York 9 am. Ar. Los Angeles 12:45 am.
Scenic daylight flight in luxurious Mainliners.

Reservations: travel agents, hotels, or
UNITED AIR LINES
58 E. 42nd St.
MU-2-7300
67 Wall St.
MU-2-7300

Lindy's
INC.
RESTAURANTS
1626 BROADWAY 1655
(Next to the Rivoli Theatre)
(51st Street Corner)
For over 20 years
the luncheon and
dinner place for
Motion Picture People
Sole agents in New York
for FAMOUS
BLUM'S ALMONDETTES
from
San Francisco, California

Newsreel Parade

Virtually no news event of outstanding international import came to the attention of the newsreels for unanimous inclusion in their new weekend issues. They all gave some attention to Wendell Willkie's visits to his farm, and most of them recorded the arrival on these shores of refugee children from England. The Quintuplets holding a "press conference" at their Canadian home, and some pictorial reference to England's defense activity were other leading clips. Content of the reels follows:

MOVIETONE NEWS, No. 100—Duke and Dutchess at a Bahama garden party. King George inspects troops from India. British salvaging German warships sunk in 1918 at Scapa Flow. Willkie on farm. Jim Farley steps down for Flynn. New mosquito fleet at Washington Navy Yard. Dionne Quintuplets hold open house for U. S. newspapermen. Pictures of Mt. Rainier, Lew Lehr and Aqua Girls at Treasure Island. Indian Canoe Race in Washington State. New Hampshire hay skiiers. Aquaplaning in new irrigation canal in Colorado.

NEWS OF THE DAY, No. 298—British fleet shells Libya. "Parashots" roll into action in England. Mrs. Churchill aids Anzacs. Royalty greets India troops. Young English refugees reach U. S. Willkie on his farm. Windsors play host in Bahamas. The Dionne Quintuplets. Outboard motor speed classic.

PARAMOUNT NEWS, No. 103—Motion picture celebrities take over race track at Del Mar, Cal. 41st Grand American trap shoot at Travers Island, N. Y. Annual rodeo at Sun Valley, Idaho. Ickes replies to Willkie's acceptance speech. Wendell L. Willkie visits his farms. Battle of Britain: daily Dover battles; balloon barrage in action; Nazi pilots bailing out; parachutes down in flames on Channel front. *Samaria* brings British refugee children for American homes. Dionne Quins meet visiting American editors.

RKO PATHE NEWS, No. 115—Bristol docks in Bristol, England. Secretary Ickes answers Willkie. Willkie on the farm. Farley and Flynn. Canadian front of steel. American Export Line opens air route to England. Quins hold press conference at Callander, Ontario.

UNIVERSAL NEWSREEL, No. 904—Dionne Quins meets editors. Britain speeds home defense. English refugee children arrive in New York. Windsors hold press conference at Nassau. Ship and plane weather bureau at Floyd Bennett Field. Flynn takes Farley's post. Willkie rests at his farm. Girl's automobile painting contest in San Francisco. A 550-pound tuna caught off Nova Scotia. Wild West rodeo held at Sun Valley, Idaho.

Republic Sets Seven

Hollywood, Aug. 22.—Republic today announced seven pictures will go in work during the first three weeks in September.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Decree Will End Suit Pending Two Years

Negotiations For Decree Are Traced

(*Continued from page* 1)

three major points: (1) arbitration; (2) changes in distribution, and (3) changes in exhibition (theatres).

Successive postponements of the trial of the suit followed, until on June 17, Judge Goddard granted the fourth adjournment, this time to June 26, to permit continuance of discussions. Arbitration was first taken up.

Meanwhile Allied States Association demanded that theatre divorcement be a major part of a consent decree settlement.

On June 26 Judge Goddard again postponed trial, this time to July 1, as progress was reported by the settlement conferees, and on the latter day another one-week delay was obtained. By July 1 the conferees had agreed on the principle of arbitration, but not on the machinery.

Chief points in the discussion at that date were: elimination of blind buying by means of trade showings, decentralization of circuit purchasing departments as a means of preventing overbuying, and unit selling in blocks of 10 pictures or five pictures. The latter would provide for no cancellation.

Early in July the Department of Justice declared, "We need no outside advice," in response to exhibitor requests for a voice in drafting the terms of a consent decree.

On July 12, MOTION PICTURE DAILY indicated that a separate peace between the Government and the Big 5 was a distinct possibility, if Universal, United Artists and Columbia continued to refuse to consider an out-of-court settlement of the suit.

It was said that the Big 5, to achieve harmony, were willing to decentralize national purchasing power of affiliated circuits and would yield on blind buying, and the Government, in turn, would offer an "escape" clause to enable the companies to regain their status quo in the event a final agreement is found to be "unworkable." The Big 5 was said to be ready to outlaw block booking and the Government would yield on divorcement, it was understood.

By July 22 a tentative draft on the proposals for a consent decree were ready, with the exception of the "escape clause" and an arbitration plan. On July 22 Judge Goddard adjourned the trial once again, this time to Oct. 7 at the request of J. Stephen Doyle, special assistant Attorney General.

At that point the Paramount theatre partners, operating about 1,250 of the country's leading theatres, rejected several of the proposals in the consent decree draft: unit selling in blocks of five; designation of every theatre as a run and permitting one theatre to deprive another of product; local buying; arbitration, and circuit expansion. The partners, seen holding the key to negotiations, demanded that their objections be sustained as to trade showings, sales in units of

(*Continued on page* 6)

Suit Legal Batteries

ONE of the highest priced legal batteries ever arrayed for a major court action was assembled by the defense following the filing of the Government's New York anti-trust suit.

It has been estimated that this legal talent cost the defense more than $1,250,000 up to the start of trial last June and, since, the cost has mounted to about $2,000,000. It was also estimated that, if the case proceeded to trial, another $1,500,000 to $2,000,000 would have been added to the costs. The statistical cost to the defense amounted to $6,000 weekly.

The defense counsel is as follows:

LOEW'S—John W. Davis, one-time Democratic nominee for the Presidency; J. Robert Rubin, Loew's general counsel, and staff members, Edward C. McLean, L. E. Bunker, Tyree Dillard and C. Stanley Thompson.

PARAMOUNT—Simpson, Thacher & Bartlett; former U. S. Federal Judge and Solicitor General Thomas D. Thacher, chief counsel; Austin C. Keough, Paramount general counsel; Edwin L. Weisl, Louis Phillips; Albert C. Bickford, Richard Jones, Morgan Callahan, Walter K. Walker and Samuel Boverman.

TWENTIETH CENTURY-FOX—Dwight, Harris, Koegel & Caskey; Ralph S. Harris and John F. Caskey, chief counsel; Frederick Pride, E. Myron Bull and Charles F. Young.

RKO—Donovan, Leisure, Newton & Lumbard; Colonel William J. Donovan, chief counsel, assisted by William Mallard, RKO general counsel; William Zimmerman, Gordon Youngman, O. C. Doering, Jr., John Howley and Granville Whittlesey.

WARNERS—Proskauer, Rose & Paskus; former Judge Joseph Proskauer, chief counsel; Joseph Hazen and Robert W. Perkins, Warner general counsel, and assistants, J. Alvin Van Bergh, Howard Levinson and Harold Berkowitz.

UNIVERSAL-UNITED ARTISTS—O'Brien, Driscoll & Raftery, Edward C. Raftery, chief counsel, assisted by Benjamin Pepper of the same firm and Charles D. Prutzman, Universal general counsel, and Adolph Schimel, his aide.

COLUMBIA—Schwartz & Frohlich; Charles Schwartz, Louis Frohlich, Herman Finkelstein and Irving Moross.

KEITH-ALBEE-ORPHEUM—Goldwater & Flynn, Monroe Goldwater, chief counsel, and Jerome Strumpf.

CHASE NATIONAL BANK—Bertram Shipman.

Active in the suit for the Government have been: Assistant U. S. Attorney General Thurman W. Arnold and his aides, Paul Williams, trial counsel; Robert Sher, James Hayes, Seymour Krieger, Robert Wright and Seymour Simon.

Series of Regional Suits Was Begun in April, 1939

The Government campaign to dissolve key regional independent circuits started April 28, 1939, as an auxiliary to the New York case, when an anti-trust suit was filed against the Griffith Amusement Co. and major companies seeking dissolution of the circuit which operates in Oklahoma, Texas and New Mexico.

Additional Suits Threatened

Additional "regional" actions were threatened by the Government against large independent circuits in Chicago, Los Angeles, Dallas, New Orleans, Philadelphia, Cincinnati, Boston, Atlanta and elsewhere. About one month later, however, Department of Justice officials revealed that there were insufficient funds to prosecute the 10 suits originally outlined and declared that actions would be concentrated on a lesser number.

On Aug. 7, 1939, the Government filed a regional suit, its second, in Buffalo against Schine Enterprises, seeking dissolution of the circuit which has theatres in New York, Ohio, Kentucky, Maryland and Delaware. This was followed, four days later, by a similar suit in Nashville against the Crescent circuit with theatres in Tennessee, Kentucky and Alabama. Both suits were similar to the Griffith case and also named the major companies as defendants.

Although the Department of Justice announced at that time that additional suits would be filed, the Crescent suit was the last one filed by the Government, and with the outbreak of the war in Europe, the Government declared that no further drive against the industry was under consideration.

Cases Still in Preparation

The three suits are in various stages of preparation with none of them moved for trial as yet. The Griffith suit struck a snag last May when the Government was ordered to file a bill of particulars covering data which the Government did not believe should be included. To test the ruling on appeal, the Government moved to discontinue the suit. However, the defense counsel waived their rights under the order and the dismissal plea was withdrawn.

Late last month the Government filed a long list of answers to interrogatories in the Schine suit. However, in all three suits there are many preliminary moves still to be made.

Filed in 1938, Suit Included 167 in Trade

Filed in U. S. District court in New York, July 20, 1938, the Government anti-trust suit against eight major company defendants, numerous subsidiaries and 134 individuals, was brought to trial on June 3, 1940. There are 167 defendants in all.

After four days of opening statements by counsel for both sides the trial was adjourned June 7, to permit the litigants to attempt to negotiate a consent decree. The negotiations have been under way since.

The principal aims of the Government, as set forth in its 1938 bill of complaint, were the divorcement of production and distribution from exhibition and vice versa, and a revision of virtually all existing trade practices and policies. In the course of the decree negotiations, these aims underwent basic changes with the Government abandoning, for the time being at least, its demand for divorcement, and reducing its demands for trade practice reforms to the elimination of blind buying and the modification of block booking to unit sales of five pictures. Other trade practice problems are to be adjudicated by an arbitration system to be set up in the industry.

Alleging in its complaint the existence of "monopolistic control" of production and exhibition through the prevailing industry practices and structure, the Government asserted it sought "the restoration of free enterprise and open competition among all branches of the industry."

The industry, recognizing that all of its prevailing business methods were on trial, responded that it "welcomed a test to determine its legal standing."

Assistant U. S. Attorney General Thurman W. Arnold, in charge of the prosecution for the Government, stated following the filing of the suit that in the event the Government was unable to prove in court that integrated operation and prevailing trade practices were illegal, he would seek to make them so by sponsoring legislation having that effect. Last Spring, he appeared before a Senate committee to speak favorably of the new Neely bill to require divorcement of affiliated theatres.

As the suit faltered along its two-year preparatory path to actual trial, charges were hurled from Washington with increasing frequency that the defendants were deliberately maneuvering to delay the opening of trial. However, the record reveals that every routine preparatory step made by the defense was opposed by the Government, requiring numerous additional court hearings and subsequent delays. In most of these preliminaries which were opposed by the Government, the Federal court ultimately

(*Continued on page* 6)

Great Showmen Recogn

WARNERS STAYED FOR DAY AND D STANLEY THEATRES, I

The third picture in the history of th

e A GREAT PICTURE!

BOOK "HE
BREAKFAST"
ATE AT THE
AND EARLE
HILADELPHIA

e theatres to play day and date

COLUMBIA PICTURES

U.S. and 'Big 5' Reach Accord In Principle

(*Continued from page* 1)

according to the expectations of some of the spokesmen. U. S. Attorney General Robert Jackson has to approve the terms before such an armistice can be declared. After that the negotiators and the Government must work out the form of the decree and that will take some time.

The new peace terms which were agreed upon, in principle, by both sides, are compromises achieved as a result of discussions held on Wednesday between former Federal Judge Thomas D. Thacher, as the lone spokesman for the Big 5, in whom both the Government and the film industry have complete confidence, and Government counsel headed by Assistant U. S. Attorney General Thurman Arnold.

Jackson's Approval Awaited

Officials anticipate that the approval of U. S. Attorney General Robert Jackson will be forthcoming so that the terms will be finally incorporated into final decree form and become effective Sept. 1, 1941, unless the Federal Court which has final jurisdiction of the matter should invalidate any of its provisions.

The whole decree is subject, of course, to agreement upon a satisfactory arbitration setup, as provided in Section 10.

This arbitration phase is to be worked out under the direction of a subcommittee appointed by the conferees yesterday, and which group consists of Attorney John F. Caskey, of Dwight, Harris, Koegel & Caskey, counsel for 20th Century-Fox; Austin C. Keough, vice-president and counsel for Paramount; Attorney Joseph H. Hazen of Warner Bros., and Robert Sher, special assistant U. S. Attorney General.

Will Consult With AAA

This Committee, spokesmen revealed, will consult with officials of the American Arbitration Association, at an early date.

Additionally, the final form of the decree is expected to provide for:

1. Dismissal of all existing anti-trust suits.

2. Dismissal of all pending contempt proceedings.

3. Exemption from the selling provision of the decree:

  (a) Existing distributors' franchises.

  (b) Film contracts between the defendants and their own theatre units.

Representatives of the Big 5 met yesterday morning to hear Judge Thacher's reports of his discussions with Assistant U. S. Attorney General Thurman Arnold and other Government counsel, which resulted in the compromises now agreed to.

Following this meeting representatives of the Big 5 met in the afternoon with Special Asistant U. S. Attorney General James F. Hayes and Special Assistant Attorney General Robert Sher.

Hayes is expected to leave for Washington today, to take up the matter once again with his chief, Thurman Arnold, who is in charge of the Government's proceedings in this case.

Acquisition of 600 Columbia Shares By Cohn Reported

WASHINGTON, Aug. 22.—Acquisition in June of 600 shares of Columbia Pictures common stock by Harry Cohn, president, through his Joan Perry Account, was reported tonight by the Securities and Exchange Commission in its second summary for the month of transactions of corporation officers and directors in the stocks of their companies.

Included in the summary were reports for months between September, 1939, and February, 1940, showing acquisitions of 200 shares in December and 100 shares in February, and back reports showing the acquisition by Cohn of 400 shares of preferred stock in September, which he disposed of in October.

At the close of June, it was reported, Cohn held 74,049 shares of Columbia common direct and 2,160 shares through the Joan Perry Account.

Back reports also were filed for Universal Corp. showing the acquisition by Paul G. Brown, Boca Raton, Fla., director, of 700 common voting trust certificates in November, 1939; 2,000 in December and 1,000 in May, giving him at the end of that month 13,600 held direct, in addition to 26,500 held through the Standard Capital Co.

Further reports on the holdings of officers and directors whose stocks have been registered showed that J. Miller Walker, New York, Radio-Keith-Orpheum assistant secretary, held 155 warrants for common, while O. R. McMahon, assistant treasurer, and Raymond Bill, director, held no RKO securities when the company's registration became effective June 14.

A report on Columbia Broadcasting System showed the disposition of 300 shares of Class A common by Herbert V. Akerberg reducing his holdings to 28 shares, and disposition of 491 shares by Mefford R. Runyon reducing his holdings to 846.

Two Brooklyn Firms Dissolved at Albany

ALBANY, Aug. 22.—Papers dissolving authority to act in New York state were filed here by Berkshire Theatre Corp., Brooklyn, through Benjamin Mintz, and by Gransit Amusement Co., Inc., another Brooklyn corporation, through Langsam and Langsam.

Additionally, Lianofilm Leon Garganoff, Ltd., has filed a change of name to Antonina Film Corp., through Fitelson and Mayers.

Leid, Engineer for Loew's, Dead at 62

Harry Leid, 62, chief mechanical engineer for Loew's Theatres, died suddenly yesterday of a heart attack. He was a member of Loew's construction staff for 14 years and aide to Harry Moskowitz, construction chief. Funeral services will be held from his home, 383 Warburton Ave., Yonkers, Sunday at 2:30 P. M.

'Northwest' in Regina

HOLLYWOOD, Aug. 22.—Paramount today set the world premiere of Cecil B. DeMille's "Northwest Mounted Police" for Regina, Sask., Oct. 21, with openings in Canadian key cities starting on Oct. 25.

See British Effort to Boost Foreign Sales

London, Aug. 22.—The appointment here today of Robert Weiatt, former publicity director of Associated British Pictures Corp., to the export sales section of the British Ministry of Information's Films Division, is seen here in informed circles as indicating that new efforts to stimulate foreign distribution of British product are planned.

Goldenson, Dembow To Chicago Meeting

Leonard Goldenson and Sam Dembow, Jr., Paramount home office theatre executives, will leave for Chicago today to confer there over the weekend with the company's theatre operators and partners in the Central and Western territories.

General operating and product matters will be discussed. The two are due back in New York on Monday.

Among the theatre men who are scheduled to attend the meeting, which will be similar to the one held in Chicago about six weeks ago, are the following: John Balaban and Walter Immerman of B. & K.; A. H. Blank, Des Moines; Earl Hudson, Detroit; M. A. Lightman, Memphis; Harry David, Salt Lake City; J. J. Friedl, Minneapolis, and R. J. O'Donnell, Dallas.

Broadway Grosses Continuing Strong

(*Continued from page* 1)

ness holds up at the present pace it may go four weeks.

Another top attraction was "The Sea Hawk" with Phil Spitalny's band at the Strand which drew an estimated $46,000 for its second week and it will start its third week today. "Gone With the Wind" surged to an estimated $11,000 for its 35th week at the Astor and holds indefinitely there. At the Roxy, the second week of "The Return of Frank James" with a stage show drew an estimated $33,000. "Young People" will open at the Roxy this morning and it will be followed next Friday by "He Stayed for Breakfast." "When the Daltons Rode" opened at the State yesterday. "One Crowded Night" is set for the Rialto Tuesday.

Other opening dates set include "Rhythm on the River" at the Paramount Wednesday, "Lucky Partners" to follow "Pride and Prejudice" at the Music Hall, and "The Ramparts We Watch" to follow "Lucky Partners."

Justin Gets Writ On Walter Reade

Leo G. Justin has been granted an injunction restraining Walter Reade and American Community Theatres Corp. from operating the Park, Jersey and Community theatres in Morristown, N. J., on any policy other than that which prevailed between Jan. 15 and Oct. 31, 1939. Management of the houses has been vested temporarily in Reade and Justin, who will act as an "operating committee."

Negotiations For Decree Are Traced

(*Continued from page* 3)

five and discrimination.

The conferees began the rewriting of the objectionable clause and an "escape clause" was prepared which was believed satisfactory to all concerned.

On Aug. 2, Loew's, RKO and Warners expressed themselves as favoring in principle the terms of the settlement proposed up to that point. Paramount gave no answer, and the answer of 20th Century-Fox was awaited.

Then, on Aug. 7, Sidney R. Kent, for 20th Century-Fox, and Barney Balaban, for Paramount, rejected the proposed consent decree terms, unless a new and unconditional "escape clause," granting automatic release at the end of nine months, was granted in preference to the one then proposed. Kent and Balaban on Aug. 14 presented to the Government their alternative terms for an "escape clause" and a discrimination provision.

The Government on Aug. 14 rejected the alternative terms of the two companies, and warned them that trial would proceed against them if they did not agree to the proposed decree. This was followed by efforts to mediate the differences in order to save the consent decree, and on Aug. 22 MOTION PICTURE DAILY indicated that an agreement on the decree was imminent, with the Government accepting the Kent-Balaban "escape clause" formula, and the Big 5 eliminating blind buying through trade showings.

Filed in 1938, Suit Has 167 Defendants

(*Continued from page* 3)

ruled in the defense's favor. The most important of these rulings had to do with the need for the Government to file bills of particulars and to comply with defense applications for more definite information with respect to charges.

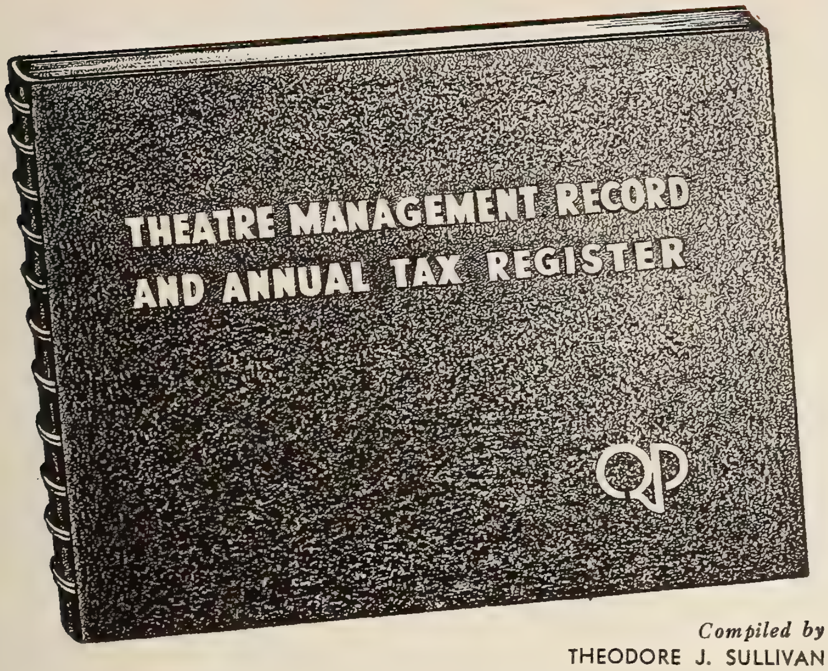
A major effort to settle the action out of court was launched in June, 1939, by the Department of Commerce in Washington. The effort bore tentative fruit last February in the form of a proposed consent decree prepared by the Department and subsequently approved by Loew's, RKO, 20th Century-Fox and Warners, and rejected by Paramount, Columbia, United Artists and Universal.

Paramount unofficially observed at the time that it did not believe it could live under the terms of the proposed decree. The other three expressed the unofficial opinion that they could do as well or better by proceeding to trial.

'Howards' Preview Set for Wednesday

Columbia will hold a trade screening of "The Howards of Virginia," starring Cary Grant and Martha Scott, at the Astor Theatre at 11 A. M. next Wednesday. Eastern exhibitors have been invited to attend the showing.

Guard Against Losses!


THEATRE MANAGEMENT RECORD
AND ANNUAL TAX REGISTER
QP

Compiled by
THEODORE J. SULLIVAN

USE THIS SIMPLIFIED THEATRE ACCOUNTING SYSTEM

$2.00 POSTPAID

New · Easy · Complete · Accurate
Requires no bookkeeping experience!

ALL SECTIONS ARE DEVISED SO THAT FULL TAX INFORMATION IS READILY AVAILABLE

ORDER TODAY
MAIL COUPON

QUIGLEY BOOKSHOP, ROCKEFELLER CENTER, NEW YORK
Here is my check for $2.00. Send me "Theatre Management Record".
Name ____________________
Address ____________________
City and State ____________________
Theatre ____________________

NBC Awaiting Standards for Its Television

NBC will keep its television station off the air until the National Television Systems Committee comes to some definite conclusion on standards, network officials revealed yesterday.

The station, W2XBS, which operated steadily from April 30 of last year, went off the air early this month ostensibly to shift from the old channel number one to the new frequency assigned by the FCC as the new channel number one. At that time, it was said that there would be a suspension for about six weeks.

The decision to remain off the air is based on two considerations, it was said. In the first place, it was pointed out, if the N.T.S.C. makes any substantial changes in standards it will be necessary to make new changes in the transmitter and receivers. Even without any changes, the receivers will have to be adjusted to receive the new frequency and there is no desire by NBC to make two changes in over 1,000 sets and the transmitter, as well.

Secondly, it was said, NBC does not wish to continue its expenditures for television broadcasting indefinitely unless there is some prospect of commercialization.

The N.T.S.C. has set Jan. 1 as the tentative date when an agreement should be reached among the different interests in the field.

Charge Web Aid to Conscription Bill

WASHINGTON, Aug. 22.—Charges that the major networks are lending their facilities to "paid propagandists" advocating compulsory military training were made today by Senator Rush D. Holt.

Senator Holt, in the course of a long speech against the pending conscription bill, asserted the networks are "supporting the poisonous doctrine of internationalism" and are giving radio time to paid speakers supporting the legislation. Senator Holt named specifically H. V. Kaltenborn, NBC commentator. The West Virginia Senator, who has been defeated for renomination in the primary, is a leader among the group of Senators who are seeking defeat of the bill.

Two Stations Seek Power Increases

WASHINGTON, Aug. 22.—The Federal Communications Commission has disclosed the receipt of applications from Stations KSD, St. Louis, for an increase of night power from 1,000 to 5,000 watts, and WGOV, Valdosta, Ga., for an increase of night power from 100 to 250 watts.

John Loesche Dies

John Loesche, 49, an assistant director of CBS programs and in charge of the Kate Smith hour, died yesterday at his home in Palisades, N. J., after an illness of six weeks. He was in charge of the Kate Smith program since 1930.

Off the Antenna

WITH the relaxation of NBC's ban on laxatives for the Blue network, there is considerable speculation in agency circles about the possibility that the ban on liquor advertising may also be lifted to help build the junior web into a position of importance.

Liquor companies have been reported to have made many overtures for the privilege of sponsoring programs. They are said to be willing to pay large amounts for the right to be associated with an important program and are willing that the commercials be entirely institutional in character. Indeed, one company is reported to have offered to sponsor lectures on temperance.

Edgar Kobak, vice-president in charge of sales for the Blue, when asked yesterday whether there was any truth to the rumor answered, "The matter has not been discussed."

• • •

Purely Personal: *Barry Wood, featured singer on "Your Hit Parade," has been selected to sing at the sixth annual "Harvest Moon Ball" to be held at Madison Square Garden, Aug. 28. . . . Bill McCord, previously an announcer at KCW, Portland, Ore., has joined WLW, Cincinnati. . . . Ed Herlihy, NBC announcer, is the father of a girl. . . . Frank Dahm, author of "Pretty Kitty Kelly," began his 16th year of script writing this week. He turned out his 2,001st script on Monday. . . . Alan Manson, Arlene Francis, Arnold Moss and Alice Reinhart have been signed for "Journey to Jerusalem."*

• • •

Answering Mutual's protests that it was being overlooked in the political campaign, the Democratic National Committee through G. W. Johnstone, formerly director of publicity for WOR, engaged 75 stations of that network for a program to be aired next Wednesday at 10:30 P.M., on the eve of Secretary of Agriculture Henry A. Wallace's acceptance speech. The program will consist of three farmers and two wives of farmers from different sections of the country who will tell what the Administration's farm program did for their families.

• • •

RCA has been unable to effect a national distribution of its new portable radio sets, the ones that look like a camera, because of their unexpected popularity. It was expected that the receivers would be regarded as a novelty but the wide demand was not anticipated. The difficulty has not been in the manufacture of the sets but, rather, in the manufacture of the batteries. The National Carbon Co., which cooperated with RCA in the development of the sets, has not been able to keep up with the demand, it appears. The A batteries are readily obtainable, of course, but the B batteries were designed specially for the sets and National Carbon was caught unprepared.

Network officials regard the demand for the small sets as significant and are hopeful of persuading sponsors to buy more Summer time.

• • •

Program News: *Procter & Gamble has renewed its CBS contract for Teel. Up to Sept. 10, "Prof. Quiz" will continue on Tuesdays at 9:30 P.M. After that date he will switch to Mondays at 8 P.M. while "Those We Love" will continue on the Tuesday spot. The latter program will have 70 stations instead of the 48 now used by "Prof. Quiz." . . . Miles Laboratories has renewed "Quiz Kids" over NBC-Blue beginning Wednesday, Sept. 4 at 8 P.M.. . . . Procter & Gamble will sponsor "Knickerbocker Playhouse" over NBC-Red beginning Saturday, Sept. 21 at 8 P.M., using 33 stations. . . . Gulden's Mustard will sponsor "Gulden Serenaders" over WJZ for 40 weeks at 6:30 P.M. Wednesdays and Fridays beginning Oct. 16. . . . Florida Citrus Commission will sponsor Mary Margaret McBride over CBS in a series of household talks Mondays through Fridays at 3:15 P.M. . . . American Home Products has renewed two Monday through Friday shows over 43 CBS stations. The programs are "Romance of Helen Trent" at 12:30 P.M. and "Our Gal Sunday" at 12:45 P.M. . . . Maurice Dreicer has started a new series "Servants of the City" over WBNX Tuesdays at 2 P.M.*

Philadelphia's Golf Tourney on Sept. 13

PHILADELPHIA, Aug. 22.—The Exhibitor-Variety Club golf tournament for the local exchange territory will be held at the Philmont Country Club on Sept. 13. A dinner-dance will follow the tournament, and swimming pool and tennis courts will be available to visitors.

Milton Rogasner is the chairman of the committee in charge of the tournament. Harry Ball and David Milgram are associate chairmen. Arrangements have been completed with the Pennsylvania Railroad for a special parlor car for those coming from New York. The train will be met by private cars at North Philadelphia.

Gargan Starts West

William Gargan will leave here for Washington tomorrow after a vacation with his wife and two sons, and return from there to Hollywood next week.

Showboat to Compete In Cincinnati Area

CINCINNATI, Aug. 22.—Local exhibitors will encounter an additional source of competition with the opening early in September of the "Cotton Blossom," a showboat with a seating capacity of 800, now nearing completion by the owner-manager, James Bonelli.

The craft will be anchored at Covington, Ky., immediately across the river from here, and will have a cast of 30 in its initial attraction.

Start on 'Hullaballo'

HOLLYWOOD, Aug. 22. — "Hullaballo," story with a radio background, has started in work at M-G-M, with Louis K. Sidney, formerly in charge of WHN, New York, as the producer. Frank Morgan and Virginia Grey head the cast.

'Biggest Customer'

Los Angeles, Aug. 22.—George H. Seward, president of the Television Engineers Institute, told the first annual convention of the organization here today that "television will be the film industry's biggest customer."

Ascap Hearing in Omaha October 9

OMAHA, Aug. 22.—Hearing has been set in Federal court here for Oct. 9 at which time attorneys for the state and Ascap are scheduled to agree on the record of the litigation involving the state's anti-Ascap law to be forwarded to the U. S. Supreme Court in connection with Nebraska's appeal from the Federal statutory court's decision declaring the legislation unconstitutional.

Motion papers for the confirmation of the special master's report holding that the Federal statutory court at Olympia, Wash., has jurisdiction over Ascap's action to have the state law against the music licensing society declared unconstitutional, are scheduled to be filed there early next week.

Herman Finkelstein of Schwartz & Frohlich, Ascap counsel, said an early hearing date on the motion would be sought.

Society to Attend Rivoli Reopening

Industry and social leaders are expected to attend the opening of "Foreign Correspondent," Walter Wanger—United Artists feature, on Tuesday evening at the Rivoli on Broadway, when that theatre reopens for the season.

Among those scheduled to attend the premiere are Sir William Wiseman, Hamilton Fish Armstrong, Jack Straus, Herbert Bayard Swope, Charles Merz, Major Edward Bowes, Mr. and Mrs. Gilbert Kahn, Paul Block, Jules Brulatour, Adam Gimbel, Jules Glaenzer, Mrs. Roy Howard, John M. Schiff, Betsey Roosevelt, Fulton Oursler, Basil O'Connor, Conde Nast, Henry Luce, Robert Lehman, Ralph Ingersoll, Alfred Knopf, Roy Larsen.

Also, William Allen White, Prince Serge Obolensky, Mr. and Mrs. Edward Warburg, Merlin H. Aylesworth, Russell Davenport, Frank Altshul, Leggett Brown, Stuart Scheftel, H. V. Kaltenborn, Admiral William H. Standley, Raymond L. Buell.

Sues Broadcaster

Select Theatres Corp., Alberto Cosella Berta Cutti and Walter Ferris filed suit yesterday in the U. S. District Court against International Broadcasting Corp., WOV Artists Inc., Ronzoni Macaroni Co., Syd Leipzig and Gino Caini for alleged plagarism of the play, "Death Takes a Holiday" in two Italian plays broadcasted over WOV.

Miss Ray, Morris Signed

HOLLYWOOD, Aug. 22.—Mona Ray and Johnny Morris have been signed to appear in "Li'l Abner," RKO release being produced by Vogue Pictures, with Albert D. Rogell in charge of production.

DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 40 NEW YORK, U. S. A., MONDAY, AUGUST 26, 1940 TEN CENTS

Selznick, MGM Protect 'Wind' For Exhibitors

Prohibit CBS Broadcast Of Film Script

Seeking to avoid possible harmful effects on box-office grosses when "Gone With the Wind" is generally released early next year, David O. Selznick and M-G-M over the weekend refused to grant permission for the radio dramatization of the script over CBS. The film has already grossed more than $22,000,000.

The story had been set for broadcasting over 65 stations of the network to begin Oct. 1 and to be heard weekly between 9:30 and 10 P.M. Tuesdays. Vicks Chemical Corp., makers of cough drops and cough medicines, was signed as the sponsor.

Although there had been many rumors of the sale of "Gone With the Wind" to radio, Selznick had stated on a number of occasions that the story was not available for broadcasts. Early last week it was learned that the program was actually in rehearsal with Edward Wolf, an ar-

(*Continued on page* 4)

Denver Ready for 'Carson' Premiere

Denver, Aug. 25.—With the arrival here today of a Hollywood group and another from New York by plane, this city is ready for the elaborate opening tomorrow evening of the Edward Small-United Artists picture, "Kit Carson."

Headed by Jon Hall and Lynn Bari, who have the leading roles, the Coast group includes: Carole Landis, Victor Mature, Anita Louise, Simone Simon, Bruce Cabot, Fay Wray, Muriel Angelus, Olympe Bradna, Jack

(*Continued on page* 4)

Silverstone to Coast On 'Dictator' Policy

Maurice Silverstone, United Artists chief executive; Harry Gold and L. J. Schlaifer, vice-presidents and sales managers, and Arthur W. Kelly, foreign manager, plan to leave for the Coast at the end of the week to set the sales policy for "The Great Dictator" in conferences with Charles Chaplin.

Lynn Farnol, advertising and publicity director, and Monroe Greenthal, exploitation manager, will leave for the Coast for further conferences with Chaplin about midweek.

2 London Theatres Damaged by Bombs

London, Aug. 25.—Two London film theatres were damaged by bombs striking in the London area in the early hours of Friday morning.

It is learned that in one case the bomb landed on the roof, plunged through to the basement and exploded in the boiler room. Both theatres were entirely empty at the time of the attack.

Drafting of Arbitration Starts Today

Work on the arbitration sections of the Federal consent decree is scheduled to begin today.

The arbitration committee for the consenting companies, including John Caskey, counsel for 20th Century-Fox; Austin C. Keough, Paramount general counsel, and Joseph H. Hazen, Warners attorney, will meet at American Arbitration Association headquarters this afternoon with Robert Sher, special assistant U. S. Attorney General, representing the Government; Sylvan Gotschal, attorney and member of the A.A.A. board of directors, and J. Noble Braden, A.A.A. executive secretary.

Paul Felix Warburg, chairman of the A.A.A. special committee on film industry arbitration, is now on vacation but will join the conferences later, as will Herman Irion, A.A.A. vice-president.

Efforts were made to begin the arbitration discussions on Friday but the absence from the city of a number of principals prevented this. The con-

(*Continued on page* 4)

NAZIS ORDER PARA. OUT OF GERMANY

All American Companies Must Leave Occupied Areas Before Oct. 1

By SAM SHAIN

Paramount, the only American company which has still been distributing in Germany, has been ordered out by Sept. 12. Product of all other American companies has been banned for several weeks. Paramount and all other American firms, according to word from abroad, must withdraw before Oct. 1 from all Nazi occupied zones.

Because American companies have been out of communication with France since the attack by Germany on England began, the new Nazi ban has the effect of excluding American films from most of Europe. The British market, of course, remains open, but Holland, Germany, Belgium, Norway, Denmark and France are now cut off. Italy has been closed for nearly two years.

Germany looks upon its own films as an arm of conquest and one of its chief fifth column aids. The ban on American product is analyzed by company officials as an effort to speed up the Nazification of the occupied territories because Nazi efforts in this regard have not proved too successful thus far. The Nazis don't wish to have any kind of screen competition to their propaganda films.

In America, meantime, Nazi films are not restricted despite their propa-

(*Continued on page* 4)

British Drive To Americas

London, Aug. 25.—The British Government will make a concentrated effort to stimulate the sale of newsreels and short subjects in Latin America and features and shorts, but not newsreels, in the United States.

Official confirmation has been obtained of the report recently published in Motion Picture Daily that the British Ministry of Information is organizing a drive to promote the export of British product.

It is known that the 100 per cent British newsreel, organized recently as a joint effort of all British newsreels, is already distributed weekly in Latin America. Also, the Paramount British reel, which is sent regularly to Latin America, Canada, Australia and other parts of the world, carries a certain

(*Continued on page* 4)

Evacuated British Children in Canada

Montreal, Aug. 25.—A number of children of film company employes in England have arrived here as evacuees and will be cared for by American benefactors for the duration of the war. Included are 25 brought out by Warners through a fund established by employes in America, and 39 from Welwyn Garden City, a British film center. The children's parents paid for their passage. The entire group of 300 children arriving included a number who will be cared for by Eastman Kodak employes and the Chase National Bank.

"Brigham Young"

[20th Century-Fox]

Hollywood, Aug. 25.—The seven theatres given over to the premiere of this film in Salt Lake City on Friday were not too many, for this is a picture for that many and more kinds of audiences, all the kinds there are. No story of mass migration since "The Covered Wagon" has matched this one for cumulative dramatic power. No story since "Intolerance" has struck out so forcefully against bigotry and none has made so strong a case for religious freedom. Both of which important facts are quite beside the main point that "Brigham Young" is a big and fine and all-appealing piece of entertainment in the best traditions of the screen.

Produced at a cost variously estimated up to $2,000,000, the picture

(*Continued on page* 4)

Sen. Tobey Demands Radio Investigation

Washington, Aug. 25. — Sen. Charles W. Tobey introduced a resolution in the Senate Friday calling for a searching investigation of the FCC and the radio industry. The resolution was introduced following the completion of hearings by the Senate Interstate Commerce Committee on the fitness of Thad H. Brown to serve another term on the FCC. The hearings traced the CBS-Paramount stock deal of 1928-32 and the RCA consent decree in 1932. A decision on Brown is expected this week.

The investigation called for by Senator Tobey would cover the procedure and methods fol-

(*Continued on page* 8)

Planes Contributed By Gaumont British

London, Aug. 25. — Three Spitfire fighting planes are to be given to the nation by Gaumont British Picture Corp. and its associated companies. Staff contributions including every member of the G. B. personnel have made this possible.

Exhibitors in Cardiff have asked the K. R. S. locally to assist them in raising a Spitfire fund.

Roosevelt Moves From Goldwyn Lot

HOLLYWOOD, Aug. 25.—James Roosevelt has removed his production activities from the Samuel Goldwyn studio to the RKO Pathe lot in Culver City known in recent years as Selznick International, he disclosed over the weekend.

Roosevelt thus makes his severance from the Goldwyn studio complete, following his resignation several weeks ago as vice-president of the studio company. Roosevelt said the move was prompted by the need for additional space, as he plans to start in two weeks on "Pot o' Gold," his first production for U. A. release. His second film will be "Martin Eden," based on the Jack London story. These are in addition to "Pastor Hall," British film which Roosevelt acquired for release here.

Henry Henigson, general manager of Roosevelt's production, said he will begin work in the new quarters on the first 30 of 300 scheduled coin-machine shorts for Mills Novelty Co.

Korda Sets Titles Of 6 New Features

Alexander Korda Films, Inc., on Friday announced an American schedule of six features to be made in Hollywood. They will include: a story based on the life of Lord Nelson and Lady Hamilton, co-starring Vivien Leigh and Laurence Olivier; "New Wine," the life of the composer, Franz Schubert, with Ilona Massey; "I Have Been Here Before," starring Merle Oberon in a story written by Korda; "Jungle Boy," the Rudyard Kipling story with Sabu, and "Cyrano," starring Laurence Olivier.

The Lord Nelson film will go into production at General Service Studios in September.

Loew-Poli Outing Set

NEW HAVEN, Aug. 25.—The Loew-Poli employes will join for a corn roast Tuesday night at Park McLay, East Haven, with Harry F. Shaw, division manager, as chief cook. Frank Manente, Marshall Blevins, John Santillo, Arthur DeFrank, and Ben Greco make up the committee in charge.

'Rockne' Opens Oct. 4

Premiere of "Knute Rockne-All American" will take place at South Bend, Ind., Oct. 4, it was announced by Warner studio heads. Jesse I. Pavey, mayor of South Bend and Rev. John Cavanaugh, vice-president of the University of Notre Dame, are in Burbank discussing the details.

Personal Mention

NEIL AGNEW, Paramount distribution chief, returned to New York from the Coast over the weekend.

•

Y. FRANK FREEMAN, Paramount vice-president in charge of production, arrived Saturday from the Coast for home office conferences.

•

A. W. SMITH, RKO general sales manager, has returned from business conferences in Chicago.

•

JOSEPH SEIDELMAN, Universal vice-president and foreign department head, arrived from the Coast by plane Saturday.

•

RUBE JACKTER, Columbia assistant sales manager, went to Boston on business over the weekend.

•

MRS. THEODORE SULLIVAN is recovering from a recent operation at St. Elizabeth's Hospital.

•

JACK POST and AL BOOKSPAN of Fishman Theatres, New Haven, are spending a few days at Lebanon, Conn.

•

REEVA GOLDBERG, sister of STANLEY GOLDBERG, Monogram salesman in Kansas City, will be married Sept. 1 to HARRY BIEDERMAN, manager of the Fox Linwood, Kansas City.

•

HERMAN G. WEINBERG is vacationing at Dundalk, Md.

•

HARRY JOE BROWN, 20th Century-Fox producer, and his wife, SALLY EILERS, sailed Saturday on the *America* for a 12-day West Indies cruise.

•

LOUIS G. LOWER, former insurance broker, has been named assistant manager at the Municipal Auditorium in Kansas City.

PHIL REISMAN, RKO foreign department head, is en route to South America for conventions in Argentina and Brazil of the company's sales representatives there.

•

JAMES ROOSEVELT is due here today from the Coast to appear on the "Information Please" radio program tomorrow night.

•

ROBERT M. GILLHAM, Paramount advertising and publicity manager, is scheduled to arrive from the Coast today.

•

DAVID THOMAS, assistant manager of the Indianapolis Lyric, and MRS. THOMAS are parents of a baby girl, the couple's first.

•

FRANK J. FINNEGAN, projectionist at the Irving Theatre, Carbondale, Pa., has become engaged to JULIA HORAN of Carbondale. The wedding will be held on Sept. 21.

•

ISA CONKLING, secretary to R. M. COPELAND, manager of the Paramount exchange at Des Moines, is spending a two-week vacation visiting his brother, SCOTT CONKLING, at Rochester, N. Y.

•

HERMAN MILLER, cashier at the M-G-M exchange in New Haven, and GERALDINE FLOOD, secretary to Branch Manager THOMAS H. DONALDSON, are vacationing.

•

WAYNE CARIGNAN, 20th Century-Fox shipper at the Albany exchange, will be married on Aug. 31 to HELEN BOBAR.

•

SI O'TOOLE, Warner Theatres sound engineer at New Haven, is vacationing at Hotchkiss Grove, Conn.

'Howards' to Open Sept. 4 in Richmond

Columbia's feature, "The Howards of Virginia," starring Cary Grant and Martha Scott, will open at the Byrd, State and Westhampton here on Sept. 4. A civic celebration will be held in Richmond on that day, in conjunction with the opening.

The festivities will start with a water pageant in the morning, followed by the welcoming of Frank Lloyd, director, and Miss Scott by Gov. James H. Price. The two from Hollywood will be honor guests at a luncheon at the John Marshall Hotel. The Patrick Henry "Liberty or Death" oration will be reenacted in the afternoon, preceding a pageant and folk dancing at Byrd Park. Miss Scott and Lloyd will make personal appearances at the three theatres in connection with the showing of the picture in the evening, following which they will be guests at a ball at the hotel.

Raise Cincinnati Price

CINCINNATI, Aug. 25.—The upward price revision of 33 cents to 1 P. M., 40 cents matinee, and 40 and 50 cents evenings, inaugurated by RKO, also applies to the RKO Shubert, which last week reopened after having been dark for 60 days. The house for the present is playing straight pictures.

North Dakota Unit Elects Wetzstein

MINNEAPOLIS, Minn., Aug. 25.—Frank Wetzstein of the Mandan theatre, Mandan, N. D., was elected governor from western North Dakota, at a meeting of the Independent Theatre Owners' Association of North Dakota, held recently in Mandan.

The group in endorsing Northwest Allied urged its members as individuals to join Northwest Allied. However, it was decided to retain the North Dakota organization for social reasons and to cope with such legislative matters as may be of interest only to North Dakota exhibitors.

Sues to Enjoin 'Brigham'

Eleanor Harris sued in Federal court here Friday seeking to enjoin 20th Century-Fox from exhibiting "Brigham Young" unless she is given screen credit as collaborator with Louis Bromfield on the story. She claims she was employed as a screen writer by the company, to which she had sold a play on Brigham Young called "Prophets of Empire."

To Honor Lampe

SYRACUSE, Aug. 25.—Gus Lampe, district manager here for the Schine Circuit, will be tendered a testimonial dinner Wednesday night.

Plug for Cashiers

COLUMBUS, Aug. 25.—The Columbus Citizen the other day ran a four-column art spread showing cashiers "on location" in the box-offices of five downtown theatres.

"They sit in their little booths, meet the public in a friendly fashion, and recognize a masher 'a mile away,'" read the appended story, which added that 65 per cent of the money the cashiers take in goes to the theatre expense, and about 35 per cent for film rental.

Doubles Condemned By Northwest Allied

MINNEAPOLIS, Aug. 25.—Dual bills were condemned at a recent meeting of the Fifth District of Northwest Allied, held here. The group adopted and sent to exchanges a resolution in which members announced that they will refuse pictures that have been previously shown on a double bill.

If the 16 mm. problem continues to grow, members of Northwest Allied will ask the next session of the Minnesota state legislature, convening in 1941, to remedy the situation. This course was decided upon at a recent meeting of the newly elected board of directors. Meantime, all members have been asked to forward facts and figures.

Duals Discussion Is Heard Over CBS

The double feature problem was debated on "The People's Platform" program on CBS Saturday evening from 7 to 7:30 P.M., with three speakers in support of duals and three opposed.

Speaking for the practice were I. E. Chadwick and Trem Carr, independent producers, and Mrs. Arthur Beck, a California housewife. In opposition were Samuel Goldwyn, Karl Hoblitzelle of the Interstate Circuit, Dallas, and Mrs. Leo B. Hedges, film chairman of the California Parent-Teachers Association. Dr. F. P. Woellner, professor of education at the University of California, Los Angeles, was chairman.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

COMPLETING THE PICTURE

DRAMATIC lighting and unusual camera angles are only partly responsible for the startling beauty of modern screen productions. It takes Eastman negative films to do full justice to the cameraman's wizardry — to really complete the picture. Eastman Kodak Company, Rochester, N. Y.

J. E. BRULATOUR, INC., *Distributors*
Fort Lee Chicago Hollywood

PLUS-X
for general studio use

SUPER-XX
when little light is available

BACKGROUND-X
for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

Nazis Order Para. Out of German Areas

(Continued from page 1)

ganda aims and obvious fifth column purpose.

Late last week, the foreign managers of the major film companies met to discuss the European phase of their foreign business, but no course of action was decided upon.

Theatres owned by American interests, such as Loew's and Paramount, in German occupied territory have been obliged either to close or to run Nazi propaganda films.

A summary order barring Loew's, 20th Century-Fox, United Artists and Warner films from Czechoslovakia was issued at Prague recently. The ban is expected to be extended to all other American films in the near future.

Home office officials are taking the exclusion of their product from most of Continental Europe in a philosophical vein. The development is not unexpected and, from a dollars-and-cents viewpoint, it is of minor importance since the Continental markets actually were writen off when currency withdrawals from occupied territories were prohibited months ago. At that time, American distributors ceased shipments of new films to occupied territories and have been operating more or less haphazardly since with prints in stock there.

British to Promote Sales to Americas

(Continued from page 1)

portion of British Information Ministry propaganda sequences.

It is considered virtually certain that the British drive will include the dispatch of a representative to North and South America to stimulate distribution of British films.

A high Government official declared that the changed attitude of Americans and the gradually changing attitude of the British service departments toward propaganda has aided the plan.

The Ministry of Information distributes weekly news films in 17 languages in the Balkans and the Near East. There is no intention otherwise of breaking in on the American newsreel market, it is understood.

Selznick and M-G-M Keep 'Wind' Off Radio

(Continued from page 1)

tists' representative, negotiating the sale of the rights. On Tuesday, Stack-Goble, the advertising agency, confirmed the fact that the program would go on the air Oct. 1. On Friday, CBS formally confirmed the purchase of time by Vicks and the fact that the program would be broadcast. However this statement was hurriedly withdrawn after the Selznick announcement.

Stack-Goble refused to comment on the situation and Wolf could not be reached.

"Brigham Young"

[20th Century-Fox]

(Continued from page 1)

is a tribute to the courage of the studio that made it. The story opens in Illinois with Joseph Smith as leader of the Mormons and reaches its first dramatic high point in the persecution of the sect by political bigots, its second in the trial of Smith for treason and its third in his assassination by an armed mob. It continues in high key with the crossing of the frozen Mississippi into Iowa, the struggles across the state to the encampment at Council Bluffs and the long journey from there, with Brigham Young holding the band together through hardship and internal dissension, until the site of the present Salt Lake City is reached. The rigors of the first winter build up a tension that cracks when locusts plague the settlement, and the coming of the seagulls to devour the locusts furnishes the peak of melodramatic interest.

This master thread of the narrative, against which are played the personal stories of several members of the band, is a vital account of stirring events animating and animated by strong men and faithful women. This is no mere stringing together of actionful incidents, no artificial linking up of circumstance and coincidence to force effects. It is a careful presentation of one of the great stories of development of America handled in the commanding manner of a producer confident of his product. It is in many ways Darryl F. Zanuck's greatest production.

The large cast employed in a picture too big for any one of them to dominate is headed by Tyrone Power and Linda Darnell, who play out the principal romance, but it is Dean Jagger in the title role who turns in the outstanding performance. Mary Astor, Brian Donlevy, John Carradine, Jane Darnell, Vincent Price, Jean Rogers, Ann Todd, Willard Robertson, Moroni Olson and Marc Lawrence are the next 10 in a cast that may sometime have been equalled for uniform excellence of performance but not in easy memory.

To Louis Bromfield for the story and to Lamar Trotti for his treatment of it the screen and its followers owe a narrative free of hokum and false heroics, full of solid interest, tactful but candid in its incidental allusions to polygamy. To Kenneth MacGowan, associate producer, and Henry Hathaway, director, the trade owes a vote of thanks for an attraction with which to challenge any and all competition inside and outside the field of exhibitor operation.

Running time, 114 minutes. "G"* ROSCOE WILLIAMS

---

*"G" denotes general classification.

'Brigham' Gets Big Salt Lake Welcome

SALT LAKE CITY, Aug. 25.—"Brigham Young," 20th Century-Fox feature, opened here Friday with a rousing reception for the visiting Hollywood stars at the premiere. A total of 8,700 seats were occupied in no less than seven theatres for the opening, the Centre, Capitol, Utah, Paramount, Victory, Studio and Marlo, at $1.10 admission.

The festivities began Friday afternoon, with the arrival from the Coast by plane of Tyrone Power, Linda Darnell, Mary Astor, Brenda Joyce, Cesar Romero, Dean Jagger, Jane Withers, William F. Goetz, Col. Jason Joy and Mr. and Mrs. Darryl Zanuck.

A parade in the morning was followed by a luncheon, at which the guests included Sidney R. Kent, president of 20th Century-Fox, and Mrs. Kent; Herman Wobber, general manager of distribution; Walter J. Hutchinson, general foreign manager, and state and city officials. The home office executives are due back in New York early this week.

After their personal appearances at the theatres in connection with the opening, the Hollywood contingent left on the return trip to the Coast late Friday night.

A 10-day exploitation campaign preceded the opening, arranged by Harry Brand's studio publicity department.

Denver Ready for 'Carson' Premiere

(Continued from page 1)

LaRue, Sabu, William Farnum, Raymond Hatton, William S. Hart, Harold Huber, Ralph Bird, Mr. and Mrs. Edward Small, Val Paul, Murphy McHenry and Arthur Ungar.

Arriving from New York were Oscar Doob, Sam Shain, Charles (Chick) Lewis, A-Mike Vogel, J. J. Milstein and Monroe W. Greenthal. L. J. Schlaifer, U.A. vice-president and Western general sales manager, will fly here from Chicago.

With Gov. Ralph Carr of Colorado having proclaimed this as "Kit Carson Week," the program calls for a two-day celebration. The schedule tomorrow includes a parade, luncheon and a dinner in the evening. The official premiere will be held at the Denver Theatre, while the film also will open at the Paramount, Broadway and Rialto. Station KOA will broadcast the premiere celebration over the coast-to-coast NBC Blue network.

Following the opening, a ball will be held at the Civic Auditorium, with admission by invitation. Denver's principal streets have been decorated for several days. Tuesday will be devoted to visits by the stars to various hospitals. A cocktail party will be given by the Screen Club for the visitors, after which they will leave for the Coast and New York.

Drafting of Arbitration Starts Today

(Continued from page 1)

ferees hope to have a first draft of the arbitration proposals ready for submission to the five consenting companies and the Government in about 10 days.

Government spokesmen indicated over the weekend that the New York suit and the Buffalo, Nashville and Oklahoma City actions would be prosecuted against all defendants except those signing the consent decree.

If this course actually is followed it would be necessary for the Government either to obtain the dismissal of Loew's, Paramount, RKO, 20th Century-Fox and Warners as defendants in these actions or to obtain the dismissal of the actions themselves and file new suits naming only the non-consenting defendants. In either case, Government sources said, the consenting companies would not be involved in the actions even though they were named as co-conspirators with those against whom the suits are prosecuted.

Even as co-conspirators, in the event the Government won these suits, the consenting companies would be outside court jurisdiction, it was said, because they would not be named as defendants.

Industry reactions to the agreement in principle on the decree were varied, although it was generally conceded that the industry should benefit from having the threat of a long and costly court battle removed, largely because it would permit key industry executives to devote all of their time once more to company operations.

Even critics of the decree within the industry expressed the belief that the lengthy negotiations which brought Government representatives and industry leaders into personal contact for the first time, were worthwhile in themselves and may have lasting beneficial results.

U. S. May Reject Exhibitor Meetings

Government sources indicated over the weekend that the Department of Justice probably will reject all exhibitor overtures for meetings with Department officials for the purpose of protesting against the Federal consent decree.

However, it was stated that exhibitor protests sent directly to Department officials "would be given consideration."

Indications are that Paramount's theatre partners who registered a vigorous protest against block-of-five sales and other major phases of the decree will take no further action. No meeting of the theatre partners is planned for the immediate future.

Showmen Say—

HARRY C. ARTHUR, JR.
A. H. BLANK
PHILLIP CHAKERES
CHARLES R. GILMOUR
L. C. GRIFFITH
JOHN H. HARRIS
VINCENT R. McFAUL
M. J. MULLIN
CHARLES ROTH
SPYROS P. SKOURAS
TONY SUDEKUM
WALTER VINCENT
R. B. WILBY

Martin Quigley
25th Anniversary
MOTION PICTURE HERALD

Martin Quigley

HARRY C. ARTHUR, JR.
St. Louis

"No one individual has earned a more highly-esteemed place in the cinema sun than Martin Quigley, whose devotion of one quarter-of-a-century to the steady improvement of motion pictures has had an indelible effect upon everyone concerned, upon matters ranging from sales policies governing distributor-exhibitor relationships, to the moral soundness of film product and the practical exploitation and publicizing of that product in theatres throughout the world.

"His keen, clear mind, and honest criticisms, set forth in unmistakable print week in and week out, have given to us all the benefit of his pointed observations.

"'Tearing down' is a common fault of many who find negative criticism an easy road to renown. Such is not a possession of Martin Quigley, who writes without rancor or prejudice, whose criticisms pull no punches, yet which constantly strive to view matters from a constructive viewpoint."

A. H. BLANK
Des Moines

"All of the amazing developments within the motion picture industry are commonly taken with too little genuine enthusiasm. We are living and experiencing these developments and naturally we cannot see the forest for the trees. It is so with our industry's keen appreciation of Martin Quigley. We take him and his tremendous service to motion pictures too much for granted. We seldom take time to genuinely admire the courage and the foresight with which he has directed the policies of his publications. His faith in, and love for, motion pictures have enabled him to foresee the dangers that threaten the industry, and without fear of failure or criticism he has ventured out to chart a safe course. It is to his credit that many in the industry have not always agreed with him and his policies, but always he refused to be swayed and his persistence has invariably proved his keen judgment, his broad vision and his high courage. When the development of our industry is recorded in motion picture history, Martin Quigley's name with his career will stand out from the accomplishments of the truly great, high and proud and magnificent!"

PHILLIP CHAKERES
Springfield, Ohio

"Martin Quigley's contributions through his publications in the last quarter of a century will always be symbolic in the minds of all of us as how a great showman has contributed his time and efforts to help build this industry to its place in the world today."

CHARLES R. GILMOUR
Denver

"We feel a deep obligation to Mr. Quigley and his very capable staff for the fine job they have done in presenting facts concerning our industry as they saw them, particularly in the issuance of the Better Theatres section of the Herald, which has been responsible for many constructive changes in our operations."

L. C. GRIFFITH
Oklahoma City

"Martin Quigley has contributed as much, or possibly more than any other executive in the industry to the end of making the motion picture industry one of the foremost of all industries. By his ceaseless labors he has been able to write editorials that give a clear understanding of all important matters that have come before the industry through the years; and, in my opinion, these have helped all men in all branches of the industry to understand the viewpoints of the other about most everything."

JOHN H. HARRIS
Pittsburgh

"I first heard about Martin Quigley from my father, Senator John P. Harris. In the years that have passed since I myself became actively engaged in the motion picture business, I have found Martin Quigley's editorial policies consistently fair, unbiased, and at all times considerate of the proper advancement of the motion picture industry."

VINCENT R. McFAUL
Buffalo

"Martin Quigley's work in this industry has been constructive throughout. I consider his two mediums, 'Motion Picture Herald' and 'Motion Picture Daily,' of great value to us in the theatre operating end of the business particularly. He attacks sincerely the destructive forces that from time to time show up in our business, but always with sensible, constructive arguments, never in a radical or troublesome manner."

M. J. MULLIN
Boston

"Martin Quigley and Motion Picture Herald have been guide and inspiration to showmen since the inception of motion pictures. We salute their twenty-five years of service to a grateful industry."

CHARLES ROTH
Harrisonburg, Va.

"It is impossible to evaluate the excellent service Martin Quigley has rendered to exhibitors and the trade, generally, with his outstanding publications, as well as his personal service and interest in all matters which have affected the motion picture industry."

SPYROS P. SKOURAS
New York

"From its humble and obscure beginning the Motion Picture Industry in the short span of a lifetime has risen to heights that the most optimistic could never foresee. That development and the policies that assured it are traceable to men like Martin Quigley.

"In its early stages confused or avaricious trends would have irreparably injured this Industry's growth. Temptations were many and the monetary inducements, however questionable, were strong. It took courage to advocate then the same policies that now identify our Industry with the most wholesome agencies of consequence in building character and disseminating culture.

"It was Martin Quigley's inspiring and tireless efforts that brought this about. It was his all-consuming devotion to the welfare and progress of our Industry that it owes to him in large measure the esteemed position it occupies in the eyes of the world today."

TONY SUDEKUM
Nashville

"The splendid constructive work of Martin Quigley for the past twenty-five years, as evidenced in the policies of Motion Picture Herald, should be recognized by all those who are in any way connected with the industry, and I want you to know that his work is appreciated by me, and I am grateful for his accomplishments in improving the various phases of this field of endeavor."

WALTER VINCENT
New York

"Martin Quigley has been a leader with vision and with courage, and I trust that the policy that has obtained with the Motion Picture Herald will continue."

R. B. WILBY
Atlanta

"It is only complimenting my own perception to say that I feel that Martin Quigley has been a highly valuable asset to this industry, for his papers have not only furnished a valuable service to the individual retailer struggling with the operation of his theatre but he has been a fine and constructive influence in the industry as a whole."

CBS Gets Permit on Short-Wave Station

WASHINGTON, Aug. 25.—The Federal Communications Commission has granted a construction permit to Columbia Broadcasting System for a new international broadcasting station with 50,000 watts power, to be located at Brentwood, N. Y.

The new station will operate on six frequencies, sharing time on three of them with Station WCAB, Newton Square, Pa., on two others with Station WCBX, near Wayne, N. J., and on the sixth with both stations and with Station WLWO, Mason, Ohio. Eventually, Station WCBX, also a Columbia station, will move to Brentwood and increase its power from 10,000 to 50,000 watts, and Station WCAB will discontinue operations.

The commission also announced that it had received applications from Stations WTNJ, Trenton, N. J., for change of frequency from 1,280 to 1,230 kilocycles, extension of time from sharing to unlimited and increase of power from 500 to 1,000 watts and WCOS, Columbia, S. C., for change of frequency from 1,370 to 1,050 kilocycles.

Sen. Tobey Demands Radio Investigation

(*Continued from page 1*)

lowed by the FCC in alloting licenses, contracts and cross-contracts between licensees and also with and between networks, together with any indications of licensees, networks or their agents "reaching" public officials and any monopolistic practices found to exist.

Senator Tobey made public a letter he had written to members of the FCC saying that during the recent hearings he received information "some members of the commission have in the past received perquisites, gifts, or emoluments" from either the stations, broadcasters, networks or RCA and asking for full information as to such receipts by each commissioner.

Senator Tobey said it had been indicated that these favors were made in the form of traveling expenses, gifts of radio and television sets, and in other ways.

Sigbert Wittman Files as Bankrupt

A petition in bankruptcy listing liabilities of $46,514 and assets of $16,900 was filed Friday in Federal Court here by Sigbert Wittman, former exhibitor and part owner of the Triad circuit in the Bronx. Largest creditors are Joe Hornstein, Inc., Credit-America Corp. and Walter Heller Co. on a joint obligation of $35,746 arising from Wittman's endorsement and a promissory note made to these three companies by Triad Theatres, Inc.

William Richards Dies

KANSAS CITY, Aug. 25.—William H. Richards, chief electrician at the Orpheum, RKO first run here, died late last week at the age of 49. He had been at the Orpheum and its predecessor, the Mainstreet, also an RKO house, more than 20 years.

Hollywood Review

"Flowing Gold"

(*Warners*)

HOLLYWOOD, Aug. 25.—Splitting emphasis about evenly between the dramatic and comedy contents of a film in which action predominates, Warners have paired John Garfield and Pat O'Brien as rough characters with hearts of gold in the oil fields of Oklahoma, supplying Frances Farmer as the girl with whom both are in love and a supporting cast including Raymond Walburn, Cliff Edwards, Tom Kennedy, Granville Bates, Jody Gilbert, Edward Frawley, Frank Mayo and others. The bringing in of a gusher, the firing of the well by a lightning bolt and the extinguishing of the fire under conditions requiring heroism are high points of dramatic interest. A number of fights, some earnest and some in the interests of comedy, contribute to story momentum.

O'Brien's machine gun-like delivery of dialogue lines stands him in good stead as boss of a well boring crew and Garfield is in characteristic casting as a fugitive from justice who saves O'Brien's life, joins him in an oil enterprise, falls in love with O'Brien's girl and yet declines, until the pinch of circumstances changes his view of ethical values, to surrender himself to the law for trial on a charge of murder of which he is innocent on self-defense grounds. Frances Farmer portrays the girl, daughter of oil wild-catter Raymond Walburn. The situation created by the oil well fire which threatens financial disaster to all brings about a happy ending.

Alfred E. Green directed from an original screenplay by Kenneth Gamet based on a Rex Beach story. William Jacobs acted as associate producer.

Running time, 80 minutes. "G"* ROSCOE WILLIAMS

---

*"G" denotes general classification.

Fox Midwest Makes Many Shifts Throughout Circuit

KANSAS CITY, Aug. 25.—Arthur Zimmer, manager of Fox Midwest Theatres at Springfield, Ill., has been transferred here as manager of theatres in the Greater Kansas City district. This will permit Lon Cox to devote more time to his job of buying film and assisting E. C. Rhoden, president of Fox Midwest and division manager of the circuit of more than 100 theatres.

Others Transferred

At the same time Fox Midwest is making other managerial changes throughout the circuit. C. C. Murray is being shifted from Belleville, Ill., to Springfield, Ill., as manager; C. H. Zile from Arkansas City, Kan., to Belleville; Floyd Davis, Marshall, Mo., to Arkansas City; Dale Havelone, Brookside, Kansas City, to Marshall; Max Van Buren, Winfield, Kan., to the Brookside here; Hugh Siverd, Atchison, Kan., to Winfield, and Alan Karf, home office booker, to Atchison as manager.

James Fronkier, who has been at Newton, Kan., as manager, goes to Iola, Kan., in the same capacity; L. Rockhold of Iola to Wellington, Kan.; Al McClure of Wellington to Eldorado, Kan.; W. R. Rowell of Eldorado to Newton, Kan.

C. P. Forbes of Chanute goes to the Orpheum, Topeka, Kan., and Ed Allison of the Oakland, North Topeka, goes to Chanute. Jack Slinker, who has been assistant at the Paramount, Joplin, Mo., transfers to the Gem, Topeka; Jack Scott, assistant at Emporia, goes to Joplin as house manager of the Paramount; Jerry Hayes, assistant at Topeka, will house manage the Strand, Emporia, Kan.

Emporia, Kan., Change

Ray McLain of Emporia, Kan., and Roy Cato of Cape Girardeau, Mo., change places.

William Souttar of Kirksville, Mo., goes to Moberly, Mo., replacing Chub Golladay, who moves to Ft. Madison, Ia. Earl Hayes of Ft. Madison goes to Kirksville.

Edward Whaley of the Capitol, Benton, Ill., now is at the Warwick here, while Glen Carroll of the Warwick has gone to Benton, Ill. Ralph Wallace of the Rockhill here, and John Johnson of Boonville, Mo., change places.

British Theatres As Raid Shelters

London, Aug. 25.—If British exhibitors allow their theatres to be used as air shelters—and many have done so—they will have to deposit their keys at local police stations.

Manchester has been one of the first districts to come forward in this matter and though no decision has been finalized it is expected that picture houses in the borough will be open as air raid shelters at night by the police. It is agreed that one key of the premises will be deposited at the local station house and another with the central police station in the City of Manchester itself.

St. John Operators In Searchlight Unit

St. John, N. B., Aug. 25.—All of the projectionists employed by the theatres of St. John have joined the searchlight battery of the anti-aircraft artillery, for home defense, as members of the non-permanent militia. They are doing their training several mornings each week.

Silverstone, Schenck Felicitate Selznick

Statements of felicitation were sent to David O. Selznick on Friday, following the announcement of the formation of his new film company, by Murray Silverstone, chief executive of United Artists, and Nicholas M. Schenck, president of Loew's, Inc.

Schenck said in part, "I wish Mr. Selznick success. He has shown great creative ability . . . and I look forward to a continuation of this quality in his future productions."

Silverstone declared in part: "May I extend our earnest good wishes . . . United Artists is proud it has the privilege of distributing your next productions. . . . The public and the exhibitors share our anticipation. . . . Good luck, David, and lots of it."

Para. Partners' Meet In Chicago Delayed

A scheduled meeting of Paramount theatre operators in Chicago over the weekend was postponed until tonight because Leonard Goldenson and Sam Dembow, Jr., of the Paramount home office theatre staff were held in New York for conferences with Y. Frank Freeman, Paramount studio head.

The Chicago meeting will continue through tomorrow. Goldenson and Dembow will go to Detroit from there, returning to New York at the end of the week.

Harris and Warner Close With Republic

Republic has closed a deal with the Harris Amusement Co., for its complete 1940-'41 program, covering 22 theatres in Western Pennsylvania.

James R. Grainger, Republic president, also disclosed a deal with Warner Theatres on the new season's product in the Philadelphia, Washington, New Jersey and Pittsburgh territories. Grainger, traveling West on a tour of exchanges, will arrive in Los Angeles Aug. 29. Republic also has closed with Fanchon & Marco for 32 theatres.

John Krimsky Sues U. A.

Claiming that U.A. wrongfully withheld part of the receipts on "Emperor Jones," which was distributed by U.A., John Krimsky, and Gifford Cochran, Inc., producers of the film, filed suit in Federal Court here for $258,582 damages. The plaintiffs allege U.A. withheld $8,582 of the English gross and cancelled distribution contracts without cause.

Delay Conn. Meeting

NEW HAVEN, Aug. 25.—The meeting of the M.P.T.O. of Connecticut has been postponed until Sept. 23.

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE
DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 41 NEW YORK, U. S. A., TUESDAY, AUGUST 27, 1940 TEN CENTS

4-Week Films Setting Rapid Pace on B'way

Strand Continues 'Hawk'; Hall Holds 'Pride'

With two top grossing films, "Pride and Prejudice" and "The Sea Hawk," setting a sufficiently strong pace to warrant being held for fourth weeks, Broadway first runs hit a high peak over the weekend. Holdover attractions maintained their pace, aided by continued cool weather and the usual influx of visitors at this season.

"Pride and Prejudice" joined the select list of films to be held for four-week runs at the Music Hall. With an estimated $57,000 for the first four days of its third week, the film will start its fourth week Thursday. The only other films to achieve this distinction were "Snow White and the Seven Dwarfs," "Rebecca" and "All This, and Heaven Too." It is to be noted that three of the four were pictures released this Summer.

The other film of the week to go four weeks is "The Sea Hawk" with Phil Spitalny's band on the stage at

(*Continued on page* 4)

Denver Goes Wild At 'Carson' Opening

By SAM SHAIN

DENVER, Aug. 26.—Denver glowed with Hollywood splendor today.

Twenty studio celebrities are here for the world premiere of Edward Small's "Kit Carson." More than 75,000 persons, probably the biggest crowd Denver has seen in many years, turned out to welcome them and witness the morning "Frontier Parade," which started off the week's festivities in conjunction with the premiere.

In the evening, an estimated 12,000 men, women and children, including 300 exhibitor guests of United Artists,

(*Continued on page* 4)

Rosenblatt Is Named Democratic Counsel

Sol A. Rosenblatt, industry attorney and member of the law firm of Rosenblatt & Jaffe, has been named general counsel to the Democratic National Committee by Edward J. Flynn, chairman. Rosenblatt was deputy administrator of the National Recovery Administration and as such was in charge of compliance under the industry's NRA code. Later, he became national compliance director.

British Exhibitors Carry On

LONDON, Aug. 26.—Another British film theatre, this time in Portsmouth, was struck by bombs on Saturday. The attack, during the day, caused several fatalities, although the majority of the patrons were under shelter at the time of the raid.

Many British film houses, which normally carry on during the day despite raids, remain open all night as air raid shelters. Games, singing contests and tea parties are organized to help pass the time.

Fly Urges Adapting Studio Facilities for Television

WASHINGTON, Aug. 26.—The adaptation of film studio facilities to television production was recommended today by James L. Fly, FCC chairman. Fly explained that during his recent visit to the Coast he toured the Warner, Paramount and RKO studios to study the effect of television on films and possible coordination of the two industries.

He said he found that film companies are using techniques, methods and sets which could be adapted for television purposes.

"We may have laid too little emphasis on the production end of television and may not have appreciated all that the motion picture people have to offer from that point of view," Fly said. Films will be used in television to a considerable degree, he declared, but the spacious lots, the enormous stock of properties and the advances in sound technique by the studios may also offer facilities for live talent television programs.

Films are far ahead of television in production methods, he found, and it may develop that methods can be worked out for taking advantage of film facilities for television, he said.

Fly made his tour of film studios after attending the National Association of Broadcasters convention in San Francisco early this month. The

(*Continued on page* 4)

RKO Six Months' Profit Is $220,819

RKO yesterday reported net profit after all charges of $220,819 for the six months ended June 30, the first half-year following the company's emergence from reorganization.

Comparative figures for the same period last year are not available due to the fact that the new bookkeeping basis was not set up until the end of the reorganization last December.

Consolidated profit from operations before depreciation, taxes and provision for dividends on Keith-Albee-Orpheum preferred stock, amounted to $1,425,592. Depreciation and taxes were $1,058,385, and the provision for the K-A-O dividends was $146,387.

The figures, according to William J. Merrill, RKO treasurer, are in part estimated and subject to adjustment at the end of the year.

"Kit Carson"

[Small-United Artists]

AGAINST a sweeping background of rolling hills and jagged mountains, this story of the opening of the West, the break-through of wagon trains and the U. S. Cavalry under Capt. John Fremont, and the part played by the famous frontier scout, Kit Carson, in that epochal adventure of American history, make for fascinating and exciting screen entertainment. It should be a box-office attraction anywhere.

The broad sweep of the period in American history concerned is there by implication, while the picture itself concentrates on the successful efforts of Carson and Fremont to take a wagon train successfully

(*Continued on page* 4)

OTHER REVIEWS: "Public Deb No. 1," "Dance, Girl, Dance," "The Mummy's Hand"—All on Page 9.

Circuits Set 3-Year Deals With 'U,' Col.

Seek Backlog to Offset Decree Provision

Large circuits in many parts of the country are negotiating three-year franchises with Universal and Columbia in an effort to provide a product backlog in the event the Federal consent decree is made operative and the block-of-five selling provision brings about either a product shortage or an uncertain film market.

It was learned that several such deals have been completed, although many more requests for them have been made by circuits than are being seriously entertained by the distribution companies.

It is understood that United Artists, which like Universal and Columbia has rejected the proposed consent decree, largely because of the block-of-five sales proviso, also has received offers for long term deals with large circuits but has not accepted any up to this time. United Artists' policy has been not to make any franchise deals.

Meanwhile, Government sources indicated yesterday that Assistant U. S. Attorney General Thurman W. Arnold may make known his views on the revised escape clause of the proposed decree on Thursday, when James F. Hayes, assistant to Arnold, is scheduled to return to New York from Washington. Hayes may call a meeting of company representatives to present Arnold's views.

It is understood, however, that the Government's final word on the pro-

(*Continued on page* 4)

RKO Settles Suit Against J. L. & S.

CHICAGO, Aug. 26.—The RKO breach of contract action against Jones, Linick & Schaefer, based on the reduction of admission scales at the Oriental last month, was settled out of court by John Jones, representing the local circuit, during a weekend meeting with RKO home office officials in New York.

Jones, who returned to Chicago today, refused to disclose the settlement terms. Three RKO features which had been set for the Oriental were cancelled when the admission scales at the house were reduced. RKO subsequently filed suit for damages.

Fay's Drops Shows After 23 Years' Use

Providence, Aug. 26.—Fay's Theatre here, a vaudeville and film house for the past 23 years, will operate with a straight film policy this season. The stage shows originally had been eliminated for the Summer only and were to be resumed in the Fall. Two action films will be shown at popular prices.

The Metropolitan, however, will open Sept. 12 with variety attractions and "name" bands three or four days each week.

Agnew Calls Meeting On 'Northwest' Policy

The possibility of roadshowing Cecil B. DeMille's "Northwest Mounted Police" will be discussed at a special meeting of Paramount district sales managers called by Neil Agnew for Sept. 10 in Kansas City.

Agnew, who returned yesterday from the Coast preview of the film, said that its reception there convinced him that it merited special merchandising. Cecil B. DeMille, producer of the film, and William Pine, associate producer, are due here tomorrow from the Coast to confer with Agnew on the matter.

The picture will be screened for the sales officials at the meeting, as will other recently completely Paramount product. This will include "Christmas in July," with Dick Powell and Ellen Drew; "Arise My Love," with Claudette Colbert and Ray Milland; "Moon Over Burma," with Dorothy Lamour, Robert Preston and Preston Foster, and partially completed versions of "Second Chorus," with Fred Astaire and Artie Shaw, and "Love Thy Neighbor," with Jack Benny and Fred Allen.

Coast Flashes

HOLLYWOOD, Aug. 26.—Approximately 250 members of National Theatres' Western division will attend the organization's annual gathering at the Beverly-Wilshire Hotel tomorrow. Winners of the Skouras Showmanship drive will be announced and plans made for the fifth campaign, starting Sept. 1. Spyros Skouras will leave for New York on Wednesday.

•

Members of the sciences branch of the Academy of M. P. Arts & Sciences will meet at the Walt Disney studio tomorrow night. William Garrity, Disney's chief engineer, will explain plant operations.

•

Artists Films, Inc., has been formed here to produce 21 short subjects with outstanding musicians and vocalists for distribution to schools and colleges. Associated with the new company are Rudolph Polk, vice-president of Columbia Artists Bureau, and Walter Lowendal and John Erskine, the latter to do commentaries for some of the subjects. The films will be released in a series of three concerts beginning Oct. 1, with distribution by Walter Gutlohn, Inc., New York.

•

Harry Rathner, president of Producers Releasing Corp., is here from New York for product conferences.

Personal Mention

Y. FRANK FREEMAN, Paramount vice-president and studio head, who arrived from the Coast by plane Saturday for conferences with home office executives, is scheduled to leave for Hollywood by plane tonight.

•

Morris Helprin, production assistant to Alexander Korda, arrived from the Coast over the weekend to work on the campaign for "Thief of Bagdad," Korda's new release.

•

R. J. O'Donnell of Interstate Circuit is here from Dallas for a brief visit.

•

James P. Clark, head of Horlacher Delivery Service, Philadelphia, has been named chairman of the Philadelphia Democratic Campaign Committee.

•

Sid Meisbov, Warner publicist in Philadelphia, is back at his post after two weeks' air service with the R.O.T.C. at Roosevelt Training Field here.

•

Paul Castello, Warner district manager in Philadelphia, has returned from a St. Louis vacation.

•

Harry Felt, operator of the Park, Highland Park, Pa., has announced the engagement of his daughter, Hilda Irma, to Dr. Bernard Kushner.

•

Isaac Libson, managing director of RKO Midwest, Cincinnati, is here on business.

•

Edward Bomes, manager of the Liberty, Providence, has returned from a Coast vacation.

•

Ruth Farnham has resigned from the M-G-M Seattle office to become secretary to L. J. McGinley of Universal's branch in that city. Josephine Farley of Boise will succeed Miss Farnham at M-G-M.

•

Mr. and Mrs. Irving H. Ludwig yesterday morning became parents of a girl.

LYNN FARNOL, United Artists advertising and publicity director, will leave for the Coast on the *Stratoliner* tonight.

•

Joseph R. Vogel, Sol Edwards, Lou Weinberg and Rube Jackter lunching at Lindy's (next to the Rivoli) yesterday.

•

Joseph Bernhard, Charles Stern, Erno Rapee, George Skouras, Adolph Zukor, Fred Lange, Russell Holman, William Orr, Max Dreyfuss and Ed Saunders at Nick's Hunting Room in the Astor yesterday for lunch.

•

Colvin Brown, Fred McConnell, Ben Blake, W. Ray Johnston, Budd Rogers, Harry Thomas and Sam Citron lunched at the Tavern yesterday.

•

David A. Levy, Al Young, Arthur Gottlieb, Ben Moss and Al Jolson lunching yesterday at Lindy's (5st St.).

•

Stanton Griffis, Barney Balaban, Charles Sonin, Arthur Loew, Martin Beck, Dennis King, John Golden, Lee Shubert, John D. Hertz, Jr., Guy Bolton, Vernon Duke, Albert Lewis and Morris Gest lunching at Sardi's yesterday.

•

Frank W. Russ, Jr., president of Associated Theatres, Cincinnati, is vacationing in Canada.

•

Chet Thorpe has resigned as advertising sales manager of the 20th Century-Fox exchange in Seattle and is now employed at the Bremerton Navy Yard.

•

I. Levine, New Haven representative for Imperial Pictures, spent the weekend at Sebago Lake, Me.

•

Sol Patrignana, manager of the Globe, Vineland, N. J., became the father of a son last week.

Smith Takes British Grand National Firm

London, Aug. 26.—Sam Smith, managing director of British Lion Film Corp., today announced the acquisition of all the assets and business of Grand National here.

British Lion will distribute all of Grand National's British and American films, take over existing contracts and the like. Grand National is expected to continue as a producing organization. The British Grand National company has no connection with the former American company of the same name.

Century Circuit Sets 13-Week Sales Drive

Managers, district managers and home office executives of Century Circuit at a meeting at the Waldorf Astoria yesterday formulated plans for a 13-week sales drive to start Sept. 2. Cash awards will be given to the winners.

Among executives at the meeting were Joseph Springer, general manager of the circuit, presiding; Fred Schwartz, chief film buyer; Sam Goodman, assistant film buyer, Arthur Baker and Al Burns.

Films' History on NBC Program

The history of the film industry will be dramatized this Sunday at 4:30 P. M. over the NBC-Red network as part of a series known as "The World Is Yours." Called "The Story of the Silver Screen," the program will trace the development of films from the days of Thomas A. Edison to modern sound pictures.

The series is produced by NBC in cooperation with the U. S. Office of Education and the Smithsonian Institute. Gail Kubik has prepared a musical score which features music from "The Big Parade," "Birth of a Nation" and "The Jazz Singer."

Injunction Settles Chaplin-Life Case

Stipulation settling the $1,000,000 damage suit of Charles Chaplin and Charles Chaplin Film Corp. against Time, Inc., as publisher of *Life* magazine, Henry R. Luce, John Shaw Billings, Roy E. Larsen, and Charles D. Jackson was filed yesterday in the U. S. District Court.

Under terms of the settlement the defendants are permanently restrained from publishing in *Life* or any other periodical scenes from Chaplin's picture "The Great Dictator."

The plaintiffs waive all claims to damages, profits or costs. The stipulation provides that the defendants are to deliver to the plaintiffs within 10 days all stills of the picture in their possession.

The suit, filed in June, charged the defendants with unauthorized publication of a still depicting Chaplin as the Dictator.

'Brigham' at Higher Scale in St. Louis

St. Louis, Aug. 26.—First advanced price run of "Brigham Young," 20th Century-Fox film, other than Salt Lake City, will start here Sept. 5 at the Ambassador, Fanchon & Marco house. The engagement will be for an extended run at 75 cents top. The Ambassador's top has been 56 cents nights. At the Centre, Salt Lake City, where the film was given its world premiere Friday, the scale has been advanced 25 per cent for matinees and one-third for evening shows.

B. & K. Raises Scales For 'Town' in Chicago

Chicago, Aug. 26.—B. & K. will raise the admission scale at the United Artists and Roosevelt for the engagements of "Boom Town" starting Saturday at the two Loop houses. The increased scales will follow M-G-M's recommendations of an advance of 25 per cent for matinees and 33⅓ per cent for evenings.

E. A. Phalen Dies

West Allis, Wis., Aug. 26.—E. A. Phalen, 64, owner of the Allis Theatre here, died as the result of a heart attack. He was president of the West Allis fire and police commission for many years, and is survived by his wife and a daughter.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

You'll Like It...

It hasn't a name. You can't draw a picture of it. If it were not there you'd be conscious of its absence. Its presence pleases you. It is the most important ingredient in sincere, successful public service!

Operating American Airlines is a highly technical affair, most of whose intricacies you can measure with mathematical exactitude. But there is something more . . . a human something that transcends material things. It is deep-rooted in the spirit of those who serve you.

American has set the pace in creating scores of ingenious methods of making its passengers comfortable and at ease, to make their journeys by Flagship enjoyable, to surround them with conveniences unique in the world of travel.

There is the simplicity of making a reservation, the dependability of Flagships as a means of transportation, the many convenient flights which enable you to go when you want to go, the downright luxury of a Flagship cabin, and all the services a Stewardess performs to fulfill your least desire.

But beyond these visual evidences of American's service there is that characteristic *something* about American which creates confidence and assures your peace of mind. You'd miss it if it were not there. But because it's there, you recognize it and like it.

It starts and ends with the *people* who operate American's far-flung Flagship system. They've caught hold of something—all of them, from mechanic to engineer, from porter to pilot—that inspires them to meet the public *more* than half way.

Define it as you may—you'll like it.

AMERICAN AIRLINES *Inc.*
ROUTE OF THE FLAGSHIPS

Denver Wild Over 'Carson' Celebration

(Continued from page 1)

attended the showing of the film, which was given simultaneously in six theatres—the Denver, Paramount, Broadway, Rialto and Aladdin of the Fox Intermountain circuit, and the Tabor, which was included today because of the demand for seats. The main celebration was at the Denver, and the Hollywood stars appeared also at the other theatres. The premiere is estimated to have cost $20,000.

Gov. Ralph Carr and Richard Ozenbaugh, president of the Denver Chamber of Commerce, headed the welcoming groups, with George Cranmer representing Mayor Ben Stapleton, who is ill. The *Denver Post* is also officially participating.

'Carson Week' Proclaimed

This was the opening day of "Kit Carson Week," officially proclaimed by Governor Carr. The city, its buildings, stores and hotels are all colorfully decorated.

Denver ordinances prohibit parades except on Memorial Day and Armistice Day, but the rules were eased for this occasion, so big is the event. The "Frontier Parade," in true Wild West fashion, with Indians and scouts in line, was a colorful procession. The parade was broadcast by KOA over a coast-to-coast NBC network.

Newspapermen came from New York and the Coast for the premiere, and United Artists officials and executives of the Edward Small organization from all parts of the country attended the showing.

Hollywood players and newspaper people from California include Charles Ruggles, Arthur Ungar, Jon Hall, Lynn Bari, Olympe Bradna, Dona Andrews, Rene Riano, Astrid Allwyn, Harold Huber, Florence Bates, Tom Brown, Clayton Moore, William Farnum, John Hubbard, Carole Landis, C. Henry Gordon, Fay Wray, Jack LaRue, Anita Louise, Ward Bond, Raymond Hatton and Sabu.

Among those from New York are Oscar A. Doob, Sam Shain, A-Mike Vogel and Charles Lewis, in addition to company executives including J. J. Milstein, Monroe W. Greenthal and L. J. Schlaifer.

6,000 Persons at Ball

Following the premiere, there was an official ball at the Civic Auditorium, with admission by invitation obtained from merchants in a promotion tieup. About 6,000 persons crowded the auditorium to dance and see the Hollywood personalities. A "movie likeness" contest was held at this event. Station KOA gave considerable time to the day's festivities, including 35 minutes broadcasting the premiere at the Denver Theatre.

Outside the Cosmopolitan Hotel, where the guests are stopping, a band serenaded them throughout the morning. At noon there was an official luncheon given by the Chamber of Commerce at the Shirley-Savoy Hotel, attended by 1,000 persons. President Ozenbaugh presided and Ruggles was master of ceremonies. Governor Carr was a speaker. In the afternoon the visitors were guests of Mr. and Mrs. Harry Huffman at cocktails at their magnificent mountain home, Shangri-La.

On Sunday the visiting trade and newspaper men and U.A. executives were guests of Frank H. Ricketson, Fox Intermountain chief, and Mrs. Ricketson for cocktails and dinner.

In the opinion of showmen, there have been few events of this kind which have clicked so thoroughly. Murphy McHenry, Edward Small's advertising and publicity director, has been here several weeks, working in cooperation with local theatre heads and Monroe Greenthal, U.A. advertising and exploitation chief, and J. J. Milstein, Small's New York representative. George Gompertz assisted McHenry.

Local supervision was in the hands of Ricketson, Huffman, Bernie Hynes, manager of the Denver Theatre; Earle Collins, U.A. branch manager; Ben Fish, U.A. Pacific Coast district manager, and L. J. Schlaifer, vice-president and Western Sales manager of U.A.

"Kit Carson"

[Small-United Artists]

(Continued from page 1)

through the wild Indian country, and their defeat of the Mexicans in the establishment of the Republic of California by the beleaguered Americans of Southern California.

It is high adventure of the West, fashioned in elaborate style, and enhanced by fine pictorial values. Kit Carson is played with admirable restraint and ease by Jon Hall, in the role of the courageous and frontierwise scout. His companions in trouble are portrayed by Ward Bond and Harold Huber, the latter an amusing characterization as Lopez, a Spaniard. Lynn Bari is the girl, westward-bound in the wagon train to her California home, with whom both Fremont, played by Dana Andrews, and Hall fall in love.

The romance plays a relatively small part in the story, serving merely to impart a measure of conflict between the two men. When Carson and his companions reach Fort Bridger, they are sought by Fremont as his scout and as leader of the wagon train which has sought his protection. He refuses, despite the pleading of Miss Bari, since he believes the venture foolhardy. But as they start without him he overtakes them and offers his services.

Against the maurading Indians, incited by the Mexicans, Carson uses his skill to bring them safely through, but not before Fremont's men, ignoring his advice, are trapped. He blasts them out, and they join him in beating off an attack. In California, after Carson refuses the girl's love, since it means restriction, he learns of the Mexicans' raid on all Americans in the territory. With Fremont he contrives a plan which results in the defeat of the marauders and the freedom of California, but at the cost of the lives of Carson's two companions. Made chief of the U. S. Army scouts for his work. Carson rides with Fremont in the war then declared against Mexico.

George B. Seitz directed George Bruce's story for maximum of action and has achieved an adventure story of a high order. It is a romantic chapter of American history, captured with skill and imagination.

Running time, 96 minutes. "G." CHARLES S. AARONSON

---

*"G" denotes general classification.

Fly Urges Adapting Studio Facilities

(Continued from page 1)

problem of production techniques in television has been a bone of contention before the FCC for some time. At the FCC hearings last Spring, RCA contended that television had progressed sufficiently in its technical phase and that progress in production could be accomplished only by permission for commercialization with regular telecasts and a critical audience.

4-Week Films Pace B'way

(Continued from page 1)

at the Strand. It will start its fourth week Friday. The film did an estimated $24,000 for the first three days of the third week. Since the adoption of the stage show policy at the Strand two years ago only three films have lasted four weeks. They were "Angels With Dirty Faces," "The Old Maid" and "The Fighting 69th."

"Young People" with a stage show at the Roxy was scheduled for only one week but an estimated weekend gross of $21,000 may cause the picture to be held. No decision had been made up to a late hour yesterday. A strong weekend gross at the Capitol has resulted in the decision to hold "I Love You Again" for a third week.

At the Paramount "The Great McGinty" with Cab Calloway's band on the stage drew an estimated $12,000 on Saturday and Sunday and should gross an estimated $38,000 for its second week, which ends tonight.

With the world premiere of "Foreign Correspondent" set for tonight, the Rivoli will be reopened after a two-month shutdown.

"The Ghost Creeps" grossed an estimated $4,000 in one week at the Globe and was followed on Saturday by "River's End."

N. J. Allied to Meet

A luncheon meeting of New Jersey Allied will be held Thursday at the Hollywood Hotel, West End, N. J.

Circuits Set 3-Year Deals With 'U,' Col.

(Continued from page 1)

posed decree, in its entirety, may not be forthcoming until U. S. Attorney General Robert H. Jackson returns to Washington from vacation next week.

The revised decree was the subject of discussion yesterday by Department of Justice officials in Washington. Robert Sher, special assistant Attorney General, who was scheduled to attend a meeting here yesterday on the arbitration provisions of the decree was prevented from doing so by a hurried summons to Washington to join in the conferences there.

Arbitration Drafting Started

Although Sher is the Government's sole representative in the group drafting the arbitration provisions, yesterday's meeting proceeded on schedule without him. Held at the offices of the American Arbitration Association, the meeting was attended by representatives of the consenting companies, including John Caskey, attorney for 20th Century-Fox; Austin C. Keough, Paramount general counsel, and Joseph H. Hazen, attorney for Warners, and also by J. Noble Braden, executive secretary of the A. A. A., and Sylvan Gotschal, attorney and board member of A. A. A.

Due to Sher's absence the meeting was described as having been confined to a general discussion of the various possible methods of procedure for arbitrating industry disputes.

U. M. P. T. O. Protests

Indications are that the next meeting on the arbitration phases of the decree will not be held until next week, due to the plans of a number of the principals to leave the city over the Labor Day weekend.

Meanwhile, the U. M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware has gone on record as opposed to the block-of-five sales provision of the pending decree and has asked for a liberal cancellation right on whole-block deals instead. The organization's views were forwarded to Arnold in Washington over the weekend and exhibitors were asked by Lewen Pizor, U. M. P. T. O. president, and George P. Aarons, secretary, to protest the block-of-five proposal in letters to the Department of Justice.

West Virginia Meet To Hear Kuykendall

WHITE SULPHUR SPRINGS, W. Va., Aug. 26.—Ed Kuykendall, M. P. T. O. A. president, arrived here today to address the annual convention of the West Virginia Theatre Managers Association, which will be held at the Greenbrier Hotel tomorrow and Wednesday.

Tex Ritter, Monogram cowboy star, is expected here tomorrow by plane from Charleston, S. C., where he is making personal appearances. He will be a guest of honor at the convention banquet.

Convention arrangements are in charge of J. C. Shanklin of Ronceverte, W. Va., and W. H. Holt of Richwood, secretary-treasurer of the organization. S. J. Hyman, president, will be chairman at the meeting.

from

the

DIRECTOR

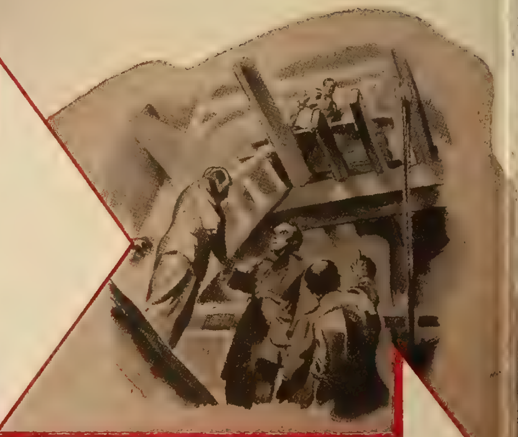
of

"Rebecca"

Everything Points to A BOX

1

Masterful Mystery by the Master of Suspense . . Director ALFRED HITCHCOCK!



2

Giant Sea-Plane Crashed to Bring Your Screen Its Most Spectacular Thrill!

Walter Wanger presents

ALFRED HITCHCOCK'S

production of

FOREIGN CORRESPONDENT

from ALFRED HITCHCOCK *who directed "Rebecca"*

Starring

JOEL McCREA *with* LARAINE DAY · HERBERT MARSHALL

GEORGE SANDERS · ALBERT BASSERMAN · ROBERT BENCHLEY

Released thru UNITED ARTISTS

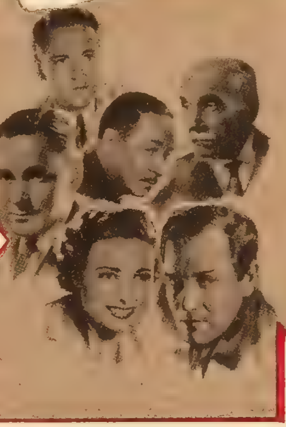
FFICE HIT

MULTIPLIED BY FIVE!

ory-Strength *Plus* in the
st Hollywood Script Written
pecially for Hitchcock!

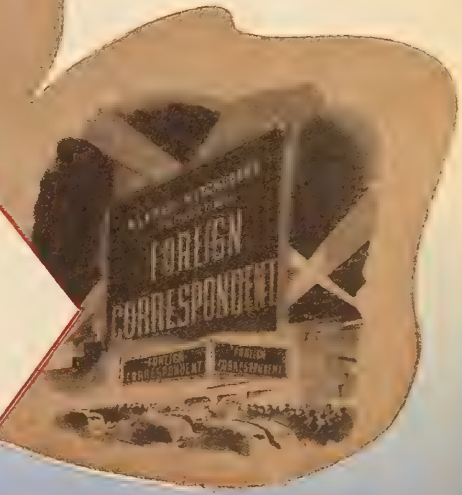
Six Popular Players In Their Greatest Roles Under Magic Hitchcock Direction!

4



An Irresistible Title That The Public Mind Translates to Mean Adventure and Romance!

5



Later

to be presented by Walter Wanger

JOHN FORD'S

PRODUCTION OF

EUGENE O'NEILL'S

The LONG VOYAGE HOME

with

JOHN WAYNE · THOMAS MITCHELL · IAN HUNTER

BARRY FITZGERALD · WILFRID LAWSON

JOHN QUALEN · MILDRED NATWICK

Directed by JOHN FORD

Adapted for the screen by DUDLEY NICHOLS

Produced by Argosy Corporation · Released thru United Artists

Feature Reviews

"Public Deb No. 1"

(20th Century-Fox)

HOLLYWOOD, Aug. 26.—Full, or perhaps optional, title of this comedy is "Elsa Maxwell's Public Deb No. 1," by which or any other name it would be as funny and frothy and frisky in its handling of the experiences of a rich girl turned Communist and a poor boy who spanks her for it. Brenda Joyce as the girl and George Murphy as the boy are supported in their performances by Miss Maxwell, who plays herself in the picture without figuring importantly in the story, Mischa Auer as the Communist butler, Ralph Bellamy as a Republican candidate for Congress, Charlie Ruggles as a capitalist who isn't home much and Maxie Rosenbloom as the rich girl's boxing instructor who turns out to be a Finn. Berton Churchill plays a comedy judge and Franklin Pangborn steals a section of the picture as a bartender imbibing his own Micky Finn.

The story is for laugh purposes only and amused a Hollywood preview audience immensely. It opens with the debutane leading a Communist parade which terminates in a riot. Ensuant publicity based on her participation in the Red cause ruins her soup business, whereupon she pretends to turn against her comrades, planning to sell the business when it regains prosperity and give the money to the Party. As she is about to do so, newspapers announce that Russia has invaded Finland, the Finnish boxer knocks out the Russian butler and calm returns to the capitalist's home. The romantic angle is brought to finalistic conclusion simultaneously.

Gene Markey produced the picture with Gregory Ratoff directing. Karl Tunberg and Don Ettlinger wrote the story, Darryl Ware collaborating with Tunberg on the screenplay.

Running time, 85 minutes. "G."* ROSCOE WILLIAMS

"Dance, Girl, Dance"

(RKO)

Dancing is dancing whether done in a cheap night club, in a modern ballet group, or in a burlesque house as a prelude to a strip tease, and Maureen O'Hara does all three types during the course of "Dance, Girl, Dance." Erich Pommer, who produced, has assembled an impressive cast for this bit of lively entertainment.

There is not much of a plot but the action does not lag as the camera shifts from the bawdy to the artistic and back again. There is an excellent ballet sequence interpreting everyday American life and there are some interesting shots of a typical burlesque audience. Lucille Ball does a modified strip tease with the aid of a wind machine while Miss O'Hara does a solo ballet number to arouse the ire of the customers who call impatiently for Miss Ball's return.

Miss O'Hara is compelled to take the job in burlesque after she loses faith in her own ability. She falls in love with Louis Hayward, a playboy millionaire whose wife is about to divorce him, but Miss Ball also is interested in Hayward because of his money. Ralph Bellamy, head of the leading American ballet group, is mistaken by Miss O'Hara for a masher and she rejects him without knowing who he is. Ultimately, of course, Bellamy and Miss O'Hara get together. Others in the cast include Mary Carlisle, Katharine Alexander, Edward Brophy, Walter Abel, Harold Huber, Maria Ouspenskaya and Ernest Truex.

Harry Edington was executive producer and Dorothy Arzner directed. Tess Slesinger and Frank Davis wrote the screenplay from a story by Vicki Baum.

Running time, 90 minutes. "A."* EDWARD GREIF

---

*"A" denotes adult classification.

"The Mummy's Hand"

(Universal)

HOLLYWOOD, Aug. 26.—Horror and humor are chief ingredients in this tale of an Egyptian mummy which has lived since its burial alive in a prior civilization.

Principally seen are Dick Foran, as a young archeologist in Egypt; Wallace Ford, as his side-kick; Peggy Moran, daughter of a Brooklyn magician, and supplier of romantic interest; Cecil Kelloway, as the magician; Eduardo Cianelli, as the "high priest," and George Zucco, Charles Trowbridge and Tom Tyler.

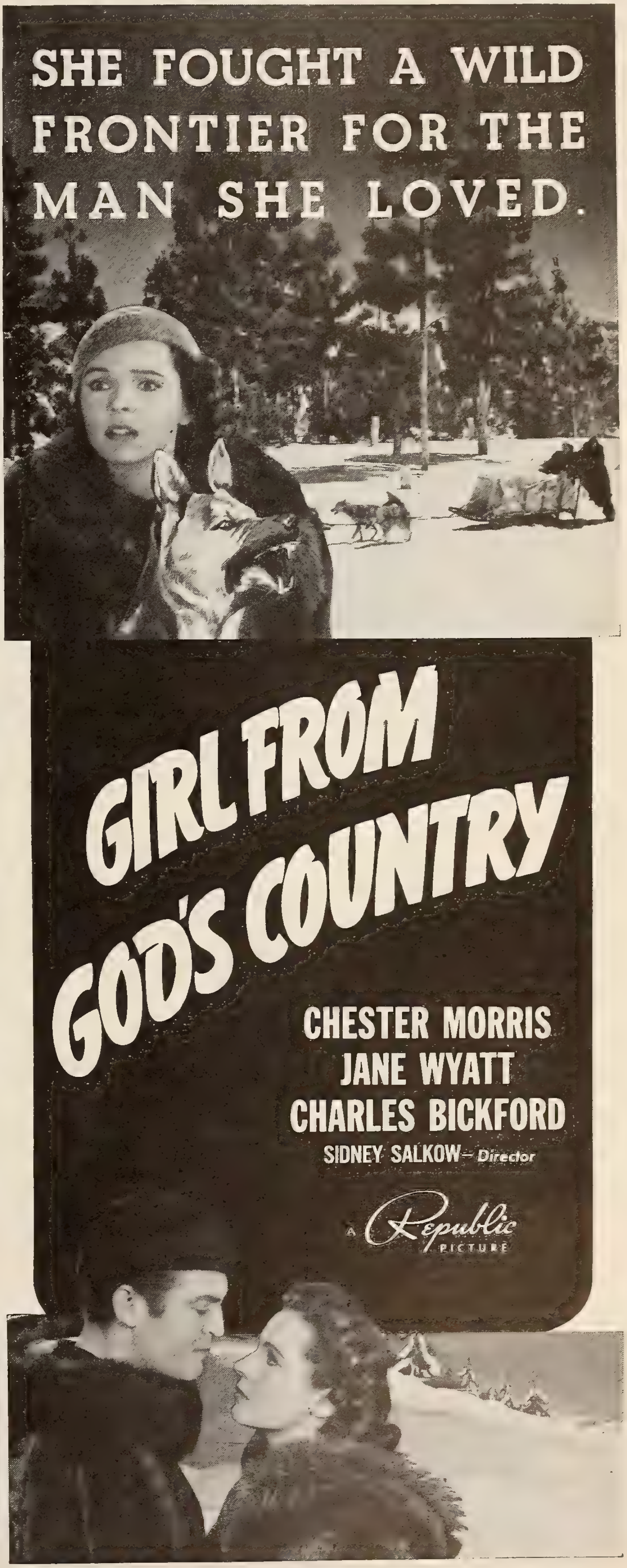
Foran, with money borrowed from the magician, organizes an expedition into the Egyptian desert, there to discover the secret of the living mummy. An original story by Griffin Jay, the screenplay was written by Jay and Maxwell Shane.

Ben Pivar produced and Christy Cabanne directed.

Running time, 67 minutes. "G."* W. S.

---

*"G" denotes general classification.



Webs' Fears Delay Defense Program: Fly

WASHINGTON, Aug. 26.—Fears of broadcasters that control of their stations might be taken out of their hands have been responsible for delays in perfecting plans for the coordination of communications under the national defense program, it was disclosed today here by James L. Fly, FCC chairman.

These apprehensions have now been allayed, Fly continued, and it is probable that President Roosevelt may approve the establishment of a coordinating body within the next week or 10 days.

Fly said the coordinating plans are directed primarily at communications and not at broadcasters, although the latter group has been the only one which has presented objections to the plans. Broadcasting will not be affected to any appreciable degree, he asserted.

RKO Promotes Two In Exchange Shift

RKO has promoted Arthur Hill, former office manager in Sioux Falls, to office manager and head booker in Des Moines. Marvin Wolfish, former booker in Minneapolis, has been named office manager in Sioux Falls.

Ernest Lund succeeds Wolfish in Minneapolis, and Douglas Desch has been named office manager in Dallas. The changes were made necessary by the resignation of Robert E. Helms and Timothy Evans, office managers in Dallas and Des Moines, respectively.

More Power Asked By Chicago Station

WASHINGTON, Aug. 26.—An application for authority to increase power from 5,000 to 10,000 watts and to change hours of operation from unlimited time experimentally to unlimited time has been filed with the Federal Communications Commission by Station WCFL, Chicago.

The commission also received an application from Station WFPG, Atlantic City, N. J., for an increase of night power from 100 to 250 watts.

Phila. AGVA Head Removed by Board

PHILADELPHIA, Aug. 26.—Tom Kelly, executive secretary of the American Guild of Variety Artists branch here, was removed from office over the weekend by the national board, which charged him with incompetence and negligence. Hoyt S. Haddock, national executive secretary, will supervise affairs of the branch until a new official is selected.

Hart Republican Aide

Vincent G. Hart, formerly Eastern head of the Production Code Administration at M. P. P. D. A. headquarters, has been appointed assistant to Edwin F. Jaeckle, chairman of the New York Republican State Committee, for the duration of the Presidential campaign.

Off the Antenna

WITH the start of registration of aliens today, New York stations which feature foreign language programs are offering their facilities to alien groups. WHOM at 10 o'clock this morning will broadcast the opening ceremonies from the New York Post Office. Postmaster Albert Goldman will explain the purposes of the registration but there will no attempt to interview the registrants, as all information is confidential.

• • •

Program News: *The Democratic National Committee yesterday engaged all the* 112 *stations of CBS for a one-hour broadcast at* 11 *P. M. on Nov.* 4, *the eve of the election. . . . Sherwin Williams Co. has renewed "Metropolitan Auditions of the Air" for Sundays at* 5 *P. M., beginning Oct.* 20, *over* 40 *NBC-Red stations. . . . Young People's Church of the Air has renewed over* 19 *Mutual stations for Sundays at* 3.30 *P. M. beginning Oct.* 6. . . . *Quaker Oats has renewed "Girl Alone" over* 40 *NBC-Red stations effective Sept.* 23. *It is heard Mondays through Fridays at* 5 *P. M. . . . "Jack Armstrong" has been renewed by General Mills over* 18 *NBC-Red stations, effective Sept.* 30. *It is heard Mondays through Fridays at* 5:30 *P. M.*

• • •

Some of the New York foreign language stations have considered establishing policies of English broadcasts only and one of them, WOV, has limited non-English broadcasts to morning and afternoon hours.

• • •

Radio equipment exports to Latin America and other non-belligerent areas have more than offset the losses caused by the war, the Radio Manufacturers Association reports. For the year ending June 30, exports increased $1,028,638 to a total of $23,446,543, a rise of 4.6 per cent over the previous fiscal year. All classes of exports, with the exception of loud speakers, showed a rise, it was reported. In dollar volume, tubes increased 3.6 per cent, component parts 6.1 per cent, and transmitters 37.1 per cent. Loud speakers dropped 24.6 per cent.

• • •

Purely Personal: *Niles Trammell, NBC president, left over the weekend for a one-week vacation. . . . John F. Royal, NBC vice-president in charge of programs, left by Clipper for England Friday and will return in about a week. . . . Alfred Wallenstein, WOR music director, returns from his vacation next Tuesday. . . . Phil Cook yesterday resumed his "Morning Almanac" programs over WABC. . . . Alton Kastner of NBC press department returned from vacation yesterday.*

British Production Insurance in Effect

London, Aug. 26.—The production insurance scheme, developed by the British Board of Trade and now formally announced, is now in operation. Weekly premiums are paid on the basis of a percentage of production cost. It is designed to safeguard British producers against war risks.

Legion Approves 10 Of Eleven New Films

The National Legion of Decency approved 10 of the 11 films reviewed for the current week, seven for general patronage and three for adults. One was found objectionable in part. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage — "Dreaming Out Loud," "Earl of Puddlestone," "Law and Order," "Orphans of the North," "Rangers of Fortune," "Wildcat Bus," "The Young People." Class A-2, Unobjectionable for Adults — "Captain Caution," "Foreign Correspondent," "The Mummy's Hand." Class B, Objectionable in Part—"He Stayed for Breakfast."

Goldwyn Names Fredman

LONDON, Aug. 26.—Ernest H. Fredman, proprietor of the *Daily Film Renter,* British film trade paper, has been designated Samuel Goldwyn's representative here. Fredman replaces his son, Eric Fredman, in the Goldwyn post. The latter was mobilized recently.

Kunzman President Of Wisconsin Union

JANESVILLE, Wis., Aug. 26. — The Wisconsin Association of Stage Employes and Projectionists, meeting here in connection with the annual convention of the Wisconsin State Federation of Labor, elected John Kunzman, Sheboygan, president; Jack Warner, Milwaukee, vice-president; Steve Thomas, Racine, secretary, and Stanley Przlomski, Kenosha, treasurer.

The federation adopted a resolution asking that Congress make it clear that funds appropriated to the Justice Department shall not be used to persecute or interfere with labor unions under provisions of the anti-trust laws.

Stage Hands Sign Kansas City Pact

KANSAS CITY, Aug. 26.—The stage hands' contracts with the downtown houses (Tower, Midland, Esquire, Newman, Orpheum, Regent and Liberty) and the suburban Fox Plaza and Fox Uptown will be renewed Sept. 1 for one year without change, according to Felix Snow, I. A. T. S. E. vice-president here.

The operators' contracts have not yet been signed. Walter Croft, business agent, indicated there was some delay due to the union's request for some changes in conditions.

Walter Ebeling Murdered

Walter Ebeling, manager of the Garden Theatre in New York's Yorkville section, was murdered in Southern Michigan July 10, according to the police of South Bend, Ind., who said they obtained a confession from a youth of that city implicating him and another hitch-hiker. Ebeling was on vacation at the time.

39 New Films Now Shooting; Nine Started

HOLLYWOOD, Aug. 26. — Thirty-nine pictures were before the cameras this week, five more than last week, while work was completed on four and started on nine. Eighteen were being prepared, with 72 being edited.

The tally by studios:

Columbia

Finished: "Blondie Plays Cupid," "Women Under 21."

In work: "Ghost Guns."

Started: "Alias the Lone Wolf," "Passage West."

M-G-M

In work: "Bittersweet," "Go West," "Flight Command," "Third Finger, Left Hand," "Little Nellie Kelly."

Started: "Hullabaloo."

Monogram

Started: "Drums of the Desert."

Paramount

Finished: "Quarterback."

In work: "Virginia," "Love Thy Neighbor," "D. O. A.," "Second Chorus," "The Round Up."

RKO

In work: "Little Men," "Citizen Kane," "You'll Find Out," "The Fargo Kid," "No, No, Nanette."

Republic

In work: "Hit Parade of 1941," "Melody and Moonlight," "Young Bill Hickok."

Started: "Frontier Vengeance."

20th Century-Fox

In work: "The Californian," "Jennie."

Started: "Chad Hanna," "Hudson's Bay."

Universal

In work: "Seven Sinners," "The Green Hornet Strikes Again," "Fireman Save My Child," "Meet the Wildcat."

Started: "Give Us Wings," "Trail to Paradise."

Warners

Finished: "Honeymoon for Three."

In work: "Meet John Doe," "Santa Fe Trail," "East of the River," "Four Mothers," "High Sierras."

Freuler to Reenter Coast Production

John R. Freuler, president of the American Film Corp., Chicago, and production veteran, has disclosed tentative plans for the production of four features and 12 Westerns in Hollywood this season. The company is now disposing of its amateur laboratory equipment prior to entering the new field.

Inspect Disney Studio

HOLLYWOOD, Aug. 26.—An inspection tour of the new Disney studio in Burbank and a discussion of cartoon production by William Garity, production manager of the studio, have been set tomorrow for members of the Academy of Motion Picture Arts and Sciences.

Smiles of Satisfaction

"There's a big difference in the expression of my audiences since I installed the new 'One-Kilowatt' High Intensity Arcs. They smile and seem more alert and interested. Of course that makes me smile too, because they like my show and come back for more.

"Yes sir! Quality projection pays! That fifty per cent extra light on the screen—that snow white light of daylight quality put my small theatre in a class with the best. It's a great feeling to know that your projection is modern and up-to-date.

"The smiles on the faces of my patrons and better box-office receipts tell me that I used good judgment when I installed the new 'One-Kilowatt' High Intensity Arcs, especially since the installation and operating costs of this new equipment are so reasonable."

HIGH INTENSITY CARBON ARC LAMPS

supply all the spectral colors in essentially even balance. That is why they give true color reproduction.

THE NEW "ONE-KILOWATT" ARCS USE "NATIONAL," "SUPREX" AND "OROTIP" CARBONS

The words "National," "Suprex" and "Orotip" are trade-marks of National Carbon Company, Inc.

NATIONAL CARBON COMPANY, INC.

Unit of Union Carbide and Carbon Corporation

UCC

Carbon Sales Division, Cleveland, Ohio

GENERAL OFFICES
30 East 42nd Street, New York, N. Y.

BRANCH SALES OFFICES
New York, Pittsburgh, Chicago, St. Louis, San Francisco

Beats

"Mr. Smith Goes To Washington"!

......IN FIRST 20 ENGAGEMENTS "HE STAYED FOR BREAKFAST" OPENED TO SENSATIONAL BUSINESS...AND IN 12 SITUATIONS OUTGROSSED THE GREAT "MR. SMITH"!

A COLUMBIA PICTURE

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensabl
to the Motion
Picture
Industry

MOTION PICT
DAILY

First in
lm and
News

M.P.P.D.A. OF AMERICA,
28 WEST 44TH ST.,
NEW YORK,
N. Y.
(6 COPIES)

VOL. 48. NO. 42 NEW YORK, U. S. A., WEDNESDAY, AUGUST 28, 1940 TEN C

U.S.Companies May Be Forced Out of Japan

Government Tactics Make Operation Difficult

Major distributors may be obliged o withdraw from Japan unless re-trictive legislation there is relaxed r new operating methods can be in-roduced, it was learned yesterday ollowing a general discussion of the ituation by major company foreign nanagers during a meeting at M.P.P.D.A. headquarters.

The operating problems confronting the distributors stem largely from Japan's failure to issue import permits for films in accordance with an agreement of two years ago. More than 60 film permits should be available to the major companies now under this agreement but none has been issued by Japanese authorities for many months.

Faced with insufficient product with vhich to maintain their offices in Jap-

(*Continued on page 6*)

Sargent Winner Of Skouras Drive

Los Angeles, Aug. 27.—Thornton Sargent, Fox West Coast district nanager here, today was named the vinner of the $1,000 first prize in the listrict managers' contest of National Theatres' 13-week Skouras Showmanship Drive. A total of $30,000 in prizes was distributed throughout Na-

(*Continued on page 6*)

Dies Clears 3 More Of Red Charges

Franchot Tone, Louise Rainer and Frances Lederer were exonerated here yesterday of being Communists or sympathetic to the cause, after they appeared for special hearings before Rep. Martin Dies. Dies said that they may have cooperated with or contributed to groups which they did not know were under Communist control.

Lionel Stander, also accused, will be recalled by Dies when he returns to New York for hearings Sept. 20. Last week the Congressman at Coast hearings exonerated James Cagney, Humphrey Bogart, Fredric March and Philip Dunne.

Circuit Heads to Capital on Defense

Chicago, Aug. 27.—A meeting of representative midwestern circuit operators will be held with Government officials in Washington on Thursday to discuss participation by theatres in national defense, particularly the dissemination of information to patrons via the screen.

Leaving here for Washington tomorrow to attend the meeting are: A. H. Blank of Des Moines, chairman of the Paramount theatre associates' committee for national defense activities; John Balaban, operating head of B. & K., and Mort H. Singer, circuit operator.

3 Films Showing At Higher Prices

Three major productions, "Boom Town," "Brigham Young" and "The Sea Hawk," currently are being shown at increased admissions.

"Brigham Young" has been booked at advanced prices at Ogden and Logan, Utah, and Idaho Falls, Idaho, where it opens tomorrow, and in Twin Falls, Idaho, and Provo, Utah, where it opens Friday. In each of these engagements the usual price scale of 30 cents to 2 P. M., 40 cents to 6 P. M. and 45 cents thereafter will be raised to 40, 50 and 60 cents. At the St. Louis Ambassador, where the film will open on Sept. 5, the scale will be increased 25 per cent in the afternoon and the top will be 75 cents at night.

With "Brigham Young" recording a gross of $8,349 at the seven theatres where it had its simultaneous world premiere in Salt Lake City last Friday night at $1.10, record business was

(*Continued on page 6*)

EXHIBITOR DECREE HEARINGS CALLED

Department of Justice Invites Organizations Which Asked to Present Views on Pact; M.P.T.O.A. Meets Arnold on Tuesday

Washington, Aug. 27.—Exhibitor organizations will be given an opportunity to express their views on the pending Federal consent decree to Department of Justice officials in Washington next week, officials of the Department disclosed to the film industry today.

It was indicated, however, that only those organizations whose requests for such hearings have been forwarded to the Department already will be heard. The M.P.T.O.A. executive committee, which will meet Tuesday with Thurman W. Arnold, assistant to the U. S. Attorney General, probably will be the first to be heard, it is understood.

Other organizations which have requests for hearings on file now and therefore undoubtedly will be heard subsequently, include the I. T. O. A. of New York; the Pacific Coast Conference of Independent Theatre Owners and Allied States.

Regional organizations such as the U.M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware and Allied Theatre Owners of New York, which have protested to the Department against certain provisions of the decree and have asked that exhibitors be given a hearing, will be represented by their national affiliate,

(*Continued on page 6*)

May Reopen Wage Status

Atlanta, Aug. 27.—Reclassification of "executive, administrative and professional" employes in the film industry under the Federal Wage and Hour law may be reopened by the Government, it was indicated today by Colonel Phillip B. Fleming, Administrator of the Wage and Hour Division, in an interview here.

Specifically citing the film industry and newspapers as among those which have urged that new distinctions be drawn for the Wage and Hour law, Colonel Fleming said he was convinced that Congress intended such distinctions should be recognized in the law and he may proceed to make the distinctions within two weeks.

Hearings on the industry's petition for such distinctions under the law were halted abruptly in Washington several weeks ago. Studio unions at the time were threatening to press demands for widespread wage increases should the distinctions be made.

Duals Vote Mixed In Des Moines Poll

Des Moines, Aug. 27.—First four days' returns in Tri-State's poll of patron preference on single or dual bills at three local houses indicate that the downtown theatre patrons prefer double bills.

At the suburban Roosevelt 75 per cent voted for singles and 25 per cent for duals. At the downtown Des Moines, 55 per cent were for duals and 45 per cent for singles, while at the Paramount, also downtown, 70 per cent voted for duals. The Roosevelt and Des Moines are single bill houses, while the Paramount runs double bills.

G. Ralph Branton, general manager of the circuit, is seeking to determine the accuracy of the Gallup Poll.

"Foreign Correspondent"

[Wanger-United Artists]

HERE are excitement, melodrama and thrill in a newspaper man's adventure in the Europe immediately prior to the opening gun of World War II, attuned to the immediate yesterday of the newspaper headlines, and as such, susceptible of crackling exploitation by alert showmen everywhere.

Here, there and everywhere throughout the lengthy film are the unmistakable touches of that master craftsman, Alfred Hitchcock, who handled the direction of this Walter Wanger production. Wanger originally purchased Vincent Sheehan's autobiography of a newspaper man, "Personal History," but early discarded the idea of filming the book as it appeared. However, it provided the germ—but only the germ

(*Continued on page 6*)

With Distinction

Toronto, Aug. 27.—Col. John A. Cooper, president of the Motion Picture Distributors of Canada, and his family are doing their full share in Canada's war effort, three sons already being officers in the Canadian Active Service Force. Major John Cooper and Lieut. Donald Cooper are serving with the Royal Canadian Artillery while Capt. Norman Cooper has joined the colors as an officer in the Infantry. Donald is already on active service in England. Col. Cooper himself is active in Red Cross and war work.

Eddy Will Manage B. & K. Television

Balaban & Katz has engaged William C. Eddy, formerly chief of the television effects division for NBC, to head the new Chicago television station for which the FCC has granted a license. Eddy has a number of television inventions to his credit. For two years he was in charge of studio operations for Farnsworth Television. He joined NBC in 1937, and has been active in television research.

Gold Medal to Warner

LOS ANGELES, Aug. 27.—The national encampment of the Veterans of Foreign Wars tomorrow will present a gold medal for citizenship to Harry M. Warner, citing his services in producing a series of historical shorts.

Personal Mention

SIDNEY R. KENT, president of 20th Century-Fox, who returned yesterday from Salt Lake City, will leave tomorrow for the Thousand Islands, where he will remain until after Labor Day.

•

WALTER J. HUTCHINSON, director of foreign distribution of 20th Century-Fox, has gone to the Coast from Salt Lake City, and is due back here the end of the week.

•

JOSEPH SEIDELMAN, foreign sales manager for Universal, and LARRY GOODKIND, Eastern story editor, have returned from studio conferences.

•

M. A. LIGHTMAN, head of Malco Theatres, Memphis, is in New York.

•

Y. FRANK FREEMAN, Paramount studio head, who was scheduled to leave for the Coast last night, has postponed his departure until tomorrow night.

•

LYN DRESCHER of United Detroit Theatres is in New York on vacation.

•

SOL SACHS, manager of the RKO Dallas exchange, is visiting the home office.

•

F. H. GILDEMEYER, Western Electric manager in Havana, is conferring here with Erpi officials. He will vacation in Detroit and Ocean City, N. J., returning to his post in October.

•

RAYMOND A. BERRY of Bailey's Theatres, Atlanta, is visiting here.

JOSEPH M. SCHENCK is scheduled to arrive from the Coast by plane today.

•

ROBERT M. GILLHAM, Paramount advertising and publicity director, is due back from the Coast on Friday.

•

LAWRENCE SCHANBERGER, owner of Keith's, Baltimore, is vacationing in Atlantic City.

•

JAMES J. KANE, theatre operator of Conway, Ark., will lead the 1940 Red Cross roll call in Faulkner County, Ark.

•

WILLIAM F. RODGERS, HARRY BRANDT, GEORGE WELTNER, JOHN W. HICKS, ARTHUR MAYER, JOSEPH BERNHARD, TOM CONNORS and ED SAUNDERS at Nick's Hunting Room in the Astor yesterday for lunch.

•

BARNEY BALABAN, ADOLPH ZUKOR, MAX MARCIN, BUDDY DE SYLVA, LEON NETTER, SIDNEY PHILLIPS, MICHAEL TODD, and LIONEL STANDER lunching yesterday at Sardi's.

•

JOSEPH MOSKOWITZ, JACK GOETZ, JOSEPH PINCUS and ARTHUR GOTTLIEB lunching at Lindy's (51st St.) yesterday.

•

MAURICE SILVERSTONE, HARRY GOLD, ARTHUR SILVERSTONE and RUBE JACKTER at Lindy's (next to the Rivoli) yesterday for lunch.

•

LOU POLLOCK, HANK LINET, JAMES CRON, MR. and MRS. JOSEPH MALCOLM, RAY GALLAGHER, PAUL BENJAMIN and HAL LEROY lunched yesterday at the Tavern.

•

AL LAFLAMME, manager of Warner's Madison in Albany, has returned from Cape Cod. His assistant, HARRY KING, will combine a vacation and a marriage in the near future.

•

JACK SWARTOUT, manager of the American, Troy, N. Y., is vacationing in Cleveland.

•

IRVING ROSENSTOCK, assistant manager at the Ritz, Albany, has returned from Atlantic City.

•

JACK RAU, projectionist at the Colonial, Allentown, Pa., has announced his engagement to CELESTE PERILLA.

•

ARNOLD PRESSBURGER, European producer, is expected in New York by Clipper this week.

•

AL FRANCIS, former owner of the Liberty in Buffalo, is expected to return to the theatre field shortly.

•

LAWRENCE CARETTIE has been named chief booker for Monogram in Pittsburgh, succeeding SAUL PERILMAN, named to a sales post.

•

MARY M. PHALEN, box-office statistician for Shea Theatres, Buffalo, is on vacation.

•

MITCHELL FRANKLIN, manager of the Mayfair, St. John, N. B., was a volunteer assistant district registrar during the compulsory registration period in Canada.

•

EMIL ELLIS is in California.

"OH, THAT SOUNDS TERRIBLE!"

Yes, Baby, and that's what theatre patrons say when the sound reproduction is allowed to develop distortion. To prevent distortion—enemy of entertainment and relaxation—modern exhibitors protect their patrons' enjoyment with an Altec sound service agreement and an Altec booth repair and replacement contract. Change to Altec today!

ALTEC
SERVICE CORPORATION
250 West 57th Street • New York City

CHANGE TO ALTEC SERVICE • A CHANGE FOR THE BETTER

Newsreel Parade

AIR defense is featured in the new issues of the newsreels. However, with the exception of Movietone and News of the Day—each having war clips—the new issues are made up chiefly of varied events comparatively light in nature. The contents of the midweek issues follow:

MOVIETONE NEWS, No. 101—Battle of Britain. English and Italian forces clash in Africa. Knudsen inspects air defenses. Children in beauty contest. Tobacco auctioneers' contest. Swimming meet. Tennis championships. Lew Lehr.

NEWS OF THE DAY, No. 299—German planes repelled over London. British destroy Libyan fort. Air preparedness here. Fire at Golden Gate Fair. Hippopotami at San Diego Zoo. National tennis doubles. Football training.

PARAMOUNT NEWS, No. 104—National unity demonstration in Greece. Mrs. Roosevelt with girl scouts in Pleasantville, N. Y. Rare animals at San Diego Zoo. Trotsky assassinated. Chant contest in North Carolina. Knudsen and Arnold view new planes. Speed production at Washington plane factory. Tennis matches. Boat races at Red Bank, N. J. Football Giants in practice.

RKO PATHE NEWS, No. 116—Fire at San Francisco Fair. Leon Trotsky assassinated. Largest bomber in Cailfornia. Rush new uniforms for the army. Tobacco auctioneers in contest. Football players in training. National tennis doubles.

UNIVERSAL NEWSREEL, No. 905—Knudsen at California plane factory. Largest bomber in Burbank. U. S. and Canadian defense board in Washington. Democrats join Willkie. Senator McNary in Portland. Trotsky funeral in Mexico. Fire threatens Coast Fair. Strange animals at Coast zoo. Swimming championships. Grid stars in training. Tennis doubles.

Lawrence Resigns As Aide to Goldwyn

HOLLYWOOD, Aug. 27.—Jock Lawrence has resigned as production assistant to Samuel Goldwyn. His association with the producer began six years ago as press representative. Although reported to be under consideration for the Producers Association publicity post vacated by Tom Pettey two months ago, Lawrence said today he has no definite plans for the future.

Associates Meet Sept. 12

Motion Picture Associates will inaugurate their meetings for the season Sept. 12 at the Hotel Astor, Jack Ellis of RKO, president, announced yesterday. At the meeting a chairman for the entertainment committee will be announced and plans discussed for the annual dinner and dance in November.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams. manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c

Minor League Ball Has Poor Season

Albany, Aug. 27.—Baseball, long regarded as the most accurate barometer of Summer amusement draw, has suffered a bad financial season in minor league cities throughout this country and Canada. Magnates unanimously blame war scare psychology and poor early Summer weather for the poor showing.

While the condition is general, the Eastern League, which is represented in Albany, Scranton, Wilkes-Barre, Elmira, Binghamton, Williamsport, Hartford and Springfield, with an average city population of 100,000, is a specific example. The league, during the season ending Sept. 3, will draw but 800,000 paid admissions as against 1,013,000 in 1939.

Four states are represented in the survey—New York with Albany, which may hit 150,000 as against 212,000; Binghamton will play to 75,000, Elmira to 60,000. Pennsylvania has the keynoter, Scranton, which has drawn 210,000 so far but as against a 300,000 total a year ago, Wilkes-Barre with but 40,000 to 50,000 and Williamsport with 60,000. Connecticut is represented by Hartford, with 55,000 and Massachusetts with Springfield, which has drawn approximately 50,000.

Every city has had from 20 to 25 per cent lower attendance than a year ago, despite a very close race in which interest has remained high in six of the eight entries up to the end.

Wobber Will Make Tour of Exchanges

San Francisco, Aug. 27.—Herman Wobber, general manager of distribution for 20th Century-Fox, has arrived here from Salt Lake City where he attended the "Brigham Young" premiere. He will be away from the home office about a month, during which he will confer with Darryl F. Zanuck at the studio and make a tour of exchanges on the Kent sales drive.

1,000 Expected at Myers Testimonial

Approximately 1,000 persons are expected at testimonial banquet to Abram F. Myers, general counsel and chairman of the board of Allied States, on Sept. 27, which will be the main feature of the three-day Atlantic City convention of Allied of New Jersey. The 21st annual meeting will be held at the President Hotel, opening Sept. 25.

Para. Studio Will Direct Its Publicity

Hollywood, Aug. 27.—Paramount's studio publicity department, headed by Cliff Lewis, will function directly under the studio management, under a change effective immediately. The department for years has operated under the direction of the home office.

Mono. Signs Producer

Hollywood, Aug. 27. — Jupiter Films, Inc., headed by Irving Applebaum, today signed a deal to produce an indeterminate number of films for Monogram release. The first, "Thirty Boys and a Girl," will be produced and directed by Applebaum, featuring Robert Mitchell's boys' choir.

Drama Guild Sees Strong B'way Legitimate Season

Prospects for a strong season on Broadway legitimate stages are excellent, according to Dramatists Guild officials, who declared yesterday that the number of contracts coming into their offices for approval are far ahead of the number at any similar time during many past seasons.

Both options and production plans are ahead, it was said, although they declined to disclose the exact number. Pointing out that prospects generally look "rosy" at this season, and that not all plans can be expected to mature, they said nevertheless that the volume of prospects was considerably greater.

Guild officials are working with Actors Equity to aid in the establishment of experimental theatres and hope to have a plan formulated early this Fall. Generally, the plan is expected to provide for Equity to reduce the minimums required for performers and for a waiver of some of the provisions for royalties by the Guild. These waivers, however, will be available only to cooperative groups which provide for a sharing of profits among actors and dramatists if the ventures are successful. It is hoped that such groups will stimulate new approaches to the legitimate stage and introduce new techniques which will improve the art.

Negotiations with the League of New York Theatres for a new minimum basic agreement to succeed the contract which expires next March will be started during September, it was said. Provisions for purchase of film rights by motion picture companies in advance of stage production have been shelved by the League but the Guild believes that the plan may be revived during the general negotiations on the basic agreement.

Guild officials expressed doubt that there would be any major changes in the new contract. Most of the changes would be for clarification of doubtful terminology, it was said, and there is little likelihood that the League will get very far in its request for a 50-50 per cent division of proceeds when plays are sold to film companies.

Hearing in Tacoma Ascap Case Sept. 7

Hearing has been set for Sept. 7 in Tacoma on Ascap's motion to confirm the special master's report finding that the Federal statutory court there has jurisdiction over Ascap's action to have the Washington anti-Ascap law declared unconstitutional.

Louis D. Frohlich and Herman Finkelstein of Schwartz & Frohlich, Ascap counsel, will leave for Tacoma Sunday for the hearing.

Ascap has been given until Sept. 23 to file objections to the record to be forwarded to the U. S. Supreme Court in connection with an appeal by the State of Nebraska from a Federal statutory court decision holding its anti-Ascap law unconstitutional.

Discontinue Action Against Universal

Stipulation was filed in the U. S. District court yesterday discontinuing the suit of American Feature Film Co. against Universal Pictures Co. for $1,350,000 damages. The suit, which was filed in May, 1931, claimed that the plaintiff had a five-year contract made in 1919 and renewed for an additional five years in 1923, which gave it exclusive distribution rights in New England of all Universal shorts and features produced under the name "Jewel."

Canadian Benefit For War Planned

Toronto, Aug. 27.—Plans have been laid for a big rodeo here by the War Services Committee of the Canadian Picture Pioneers to raise funds for war purposes, the event to be staged in November probably in the large Coliseum of the Canadian National Exhibition, subject to the permission of the military authorities who are making use of the arena for army training. The star attraction is to be Gene Autry, Western cowboy screen star, who has already consented to making a personal appearance as a contribution to the cause, the date of the show having been fixed in November to enable Autry to make the trip to Toronto without cancelling any of his regular bookings.

Griffith Managers Meet in Kansas City

Kansas City, Aug. 27.—Managers of 20 H. J. Griffith theatres in this area met at the Ambassador Hotel here today for the first session of a two-day annual convention, the circuit's first.

With H. J. Griffith presiding, the managers discussed theatre operation and showmanship. A banquet was held tonight.

To Spanish Films

The Fifth Avenue Playhouse, which for years has been showing French films, will change its policy next month to Spanish and French pictures.

Attention, Chairman Flynn

President Roosevelt is leading Wendell Willkie by a slight margin in polls being conducted in three theatres of Newsreel Theatres, Inc., 39,281 votes having been cast for the incumbent and 38,609 for Willkie. Willkie received 21,341 and Roosevelt 24,938 at the Embassy on Broadway, while Willkie is leading 11,549 to 5,803, at the 50th St. Theatre. At the San Francisco Newsreel Theatre, Roosevelt is ahead, 8,540 to 5,719. Patrons indicate their choice by selecting Roosevelt or Willkie buttons.

Metro Production Is Far Advanced

Hollywood, Aug. 27.—M-G-M reports its production schedule far advanced for the new season, with several films ready for release and others in advanced stages of production.

Following "Boom Town" are "Strike Up the Band," starring Judy Garland and Mickey Rooney; "Wyoming," starring Wallace Beery; "Haunted Honeymoon," with Robert Montgomery, and "Dr. Kildare Goes Home."

Currently in work, and set for tentative release in October, November and December, are: "Bitter Sweet," starring Nelson Eddy and Jeanette MacDonald; "Escape," with Norma Shearer and Robert Taylor; "Go West," Marx Brothers comedy; "The Philadelphia Story," with Katharine Hepburn, James Stewart and Cary Grant; "Third Finger, Left Hand," with Myrna Loy and Melvyn Douglas; "The Ziegfeld Girl," starring Hedy Lamarr, Judy Garland and Lana Turner; "Little Nelly Kelly," with Judy Garland; "Comrade X," with Clark Gable and Hedy Lamarr; "Hullabaloo," with Frank Morgan and Billie Burke.

Others are: "A Woman's Face," starring Joan Crawford; "Flight Command," starring Robert Taylor; a new Hardy Family film, "Sky Murder," Nick Carter mystery with Walter Pidgeon; "Dulcy," with Ann Sothern, and "Maisie Was a Lady," also with Miss Sothern.

Delaware Blue Law Modification Sought

Dover, Del., Aug. 27.—A plank favoring modification of Delaware's ancient Sunday blue laws is included in the platform adopted by the Democratic State Convention meeting in the Capital Theatre here today. The plank also urges an amendment to the state laws which prohibit "harmless" games of chance.

Delaware's 144-year-old blue laws have been under fire for the past several years and the last session of the Delaware legislature appointed a special commission to study possible changes with a recommendation to the next General Assembly.

To Vote on Sunday Films

Pittsburgh, Aug. 27.—Suburban Crafton will vote again on Sunday films at the Nov. 5 election. It is one of the few spots in western Pennsylvania not allowing shows after 2 P. M. on the Sabbath, following the removal of the state blue law a few years ago, when local option was established.

Gets Sunday Shows

Sanford, N. C., Aug. 27.—Banned for the past few months, Sunday films again will be shown in Sanford. At a recent meeting of the board of aldermen a motion was adopted to allow R. P. Rosser, operator, to resume the showing of Sunday pictures.

Seek Sunday Films

Danville, Pa., Aug. 27.—Petitions for a vote on Sunday films have been distributed and signed here. They are addressed to the Borough Council and seek to have the question of local option for Sunday pictures placed on the ballot in November.

THE FRIENDLY WAY OF DOING BUSINESS!

To the thousands of exhibitors who have co-operated voluntarily in advancing their admission prices for "BOOM TOWN", we take this means of expressing our grateful thanks.

Leo of M-G-M

U. S. to Hear Decree View Of Exhibitors

(*Continued from page* 1)

in these cases the M.P.T.O.A.

Department officials said there was no intention to hold a mass meeting for the exhibitors, as had been suggested, but that the several representative groups would be received separately and privately.

The exhibitors' views will be given full consideration by the Department before final action is taken on the pending decree, it was said. This gives rise to the possibility that the Government's response to the five consenting companies on the decree, which had been expected on Thursday, may be delayed until the exhibitor hearings have been held.

Members of the M.P.T.O.A. executive committee who will meet with Arnold on Tuesday are: Ed Kuykendall, M.P.T.O.A. president; Morris Loewenstein, Oklahoma City; Fred Wehrenberg, St. Louis; H. V. Harvey, San Francisco; O. C. Lam, Rome, Ga.; Arthur H. Lockwood, Middletown, Conn.; Lewen Pizor, Philadelphia; Charles E. Williams, Omaha, and L. E. Thompson, New York.

The principal objections of M.P.T.O.A. to the proposed decree are centered on the block-of-five sales and trade showing provisions.

Meanwhile, James Hayes and Robert Sher, special assistants to the Attorney General, still are scheduled to go to New York in time for a meeting there Thursday with representatives of the five consenting companies to presenting the Department's views.

Col. to File Answer In Crescent Case

Columbia's answer to the Government's bill of complaint in the anti-trust suit against Crescent Amusement Co. and the major distributors was forwarded to Nashville yesterday for filing with the U. S. District Court. The answers consist of general denials of the Government's allegations. Answers of all defendants are due by Sept. 14.

Para. Partners in Decree Discussion

Chicago, Aug. 27.—Probable effects of the pending Federal consent decree on circuit operations were discussed by Paramount theatre operators at a meeting here today.

The discussions also covered new season's product and general operating problems. Attending were: Leonard Goldenson and Sam Dembow of the Paramount home office; John Balaban, A. H. Blank, Earl J. Hudson, Edward Hyman, Tracy Barham, Harry L. Nace, John J. Friedl, Harry David, Jules J. Rubens and Ralph Branton.

"Foreign Correspondent"

[Wanger-United Artists]

(*Continued from page* 1)

—of an idea, and an original screen story was prepared by Charles Bennett and Joan Harrison.

The fact that James Hilton and Robert Benchley prepared considerable of the dialogue is apparent and important to the net result. Incidentally, Benchley's appearance in the unflattering portrait of a veteran London correspondent, who spends most of his time decorating a bar, is the picture's humorous highlight.

The leading roles have been entrusted with considerable success to Joel McCrea, Laraine Day, Herbert Marshall, George Sanders and Albert Basserman. McCrea, an ordinary newspaperman, and not a foreign correspondent, is sent to Europe to get facts on the tumultuous European situation, with war expected to break out momentarily. He meets Marshall, ostensibly head of a peace organization, who turns out to be head of a spy ring, and his daughter, Miss Day, who is unaware of her father's real activity. McCrea falls in love with the girl.

He runs headlong into a series of exciting adventures on the trail of a story from a European diplomat, who is supposedly assassinated, but actually is kidnapped. With Sanders' help he unravels the plot, and, returning on a trans-Atlantic plane with his quarry, the plane is attacked by an "enemy" warship in a hair-raising sequence. It plunges into the sea, Marshall and several others are drowned, while McCrea and Miss Day, rescued, return to England. The picture ends on a timely note, as McCrea, broadcasting news to this country from London, is interrupted by a crashing air raid, and cries a warning to America to ring itself with steel as the last stronghold of liberty in a war-torn world.

Running time, 119 minutes. "G."* CHARLES S. AARONSON

**G* denotes general classification.*

Trade Executives At Rivoli Opening

The Rivoli, which has been closed for about two months, reopened last night with the world premiere of "Foreign Correspondent." John C. Wright, manager, stated that product was now assured for the house but declined to reveal the deals set.

A host of notables was present at the premiere. Industry executives included Maurice Silverstone, chief executive of U.A.; Harry Gold, vice-president and Eastern general sales manager; Harry Buckley, vice-president; Arthur Kelly, vice-president in charge of foreign sales; Edward Grainger, John O'Connor, Walter Reade, Walter Reade, Jr., Leo Justin, Harry Brandt, William Brandt, Bernard Brandt, William White, John Benas, Samuel Rinzler, Louis Frisch, Fred Schwartz, Sam Goodman, Leo Brecher, Max A. Cohen, Jack Hattem, Si Fabian, Harold Blumenthal, Irving Renner.

Others included Harry Harris, Morris Lane, Irving Zatkin, Charles Moses, Joseph Seider, Leon Rosenblatt, Bernard Brooks, Edward Rugoff, Herman Becker, William Powers, John Murphy, Joseph Levy, Clayton Bond, Edward Hinchy, Leon Schlesinger, Jules Girdin, Fred Myers, Max Fellerman, Jack Shea, Leon Netter, John Nolan, William Cronin, Ray Hidgin, Harry Goldberg, R. E. Griffith and Joseph Cooper.

John Harris Honored

PITTSBURGH, Aug. 27.—John H. Harris, president of the Harris Amusement Co., of the Arena Managers Association, and national chief barker of the Variety Clubs of America, was this week given "The Floral Tribute" by the *Jewish Outlook*, publication that honors a different Pittsburgh citizen weekly.

3 Films Showing At Higher Prices

(*Continued from page* 1)

reported for the beginning of its continuous run at the Centre in Salt Lake. On Saturday, Sunday and Monday the film drew 19,057 patrons for a three-day gross of $7,621, highest in the theatre's history. The run is at 40 cents to 2 P. M., 50 cents to 6 P. M., and 60 cents thereafter, an increase over the usual scale of 25 per cent in the afternoon and about 33 per cent at night.

Also in St. Louis, where "Boom Town" opens at Loew's State on Friday, prices will be raised to 35 cents to 2 P. M., 44 cents to 6 P. M., 60 cents week nights, and 65 cents Saturday and Sunday nights. The regular scale is 28, 39, 44 and 56 cents. In Baltimore, "Boom Town" prices at the Century, beginning Friday, will have a night top of 60 cents instead of 44 cents.

Warners' "The Sea Hawk" will open at the Stanley in Baltimore on Saturday, with the evening top increased from 55 cents to 60 cents and the morning 25-cent admission dropped.

Twentieth Century-Fox has prepared a special 500-foot reel of scenes from the Salt Lake City premiere of "Brigham Young," for showing to exhibitors at scheduled trade showings at exchanges.

'Rockne' in Three Houses

HOLLYWOOD, Aug. 27. — "Knute Rockne—All American," Warner film, will be shown in three South Bend, Ind., theatres at the same time at its world premiere Oct. 4. Pat O'Brien, Gale Page, Donald Crisp and Ronald Reagan will make personal appearances. There will be a civic celebration.

U.S. Companies May Be Forced Out of Japan

(*Continued from page* 1)

an, as a result, distributors resorted to reissuing their old pictures while awaiting new import permits. Recently, however, Japan prohibited the exhibition of reissues by limiting the effective term of censorship permits to a maximum of three years and further directing that no film can be resubmitted for censorship after that period.

In addition, the distributors' currency withdrawals from Japan have been shut off since 1938 when Japan agreed to allocate approximately $900,000 to the American companies after January, 1941, the money to be deposited in the Yokahama Specie Bank in San Francisco.

Yesterday's meeting of foreign managers reached no definite conclusions but the belief was expressed in some quarters that Japan apparently is unconcerned whether or not the American companies remain in business there.

Frederick L. Herron, M.P.P.D.A. foreign manager, returned to New York from vacation in Connecticut to attend yesterday's meeting. Others present were: Irving Maas, 20th Century-Fox; Arthur Loew, Loew's; C. V. Kirby, Universal; George Weltner, Paramount; Joseph A. McConville; Columbia; Arthur Kelly, United Artists, and Harold Smith, M.P.P.D.A.

Sargent Winner Of Skouras Drive

(*Continued from page* 1)

tional Theatres divisional areas.

The award to Sargent was made here today at the final of a series of division meetings of the circuit, attended by Spyros Skouras, National Theatres head. Skouras will return to New York by plane over the weekend.

The theatre managers named winners in the six classifications of theatres in the drive were as follows: Class A, Bruce Fowler, 4 Star Theatre, Los Angeles; Class B, Max Trumpower, Academy, Englewood, Cal.; Class C, Morrill Moore, Isis and Apollo, Kansas City; Class D, Philip T. Hill, Orpheum and Jayhawk, Topeka, Kan.; Class E, Louis Silverstein, Bruin, Westwood, Cal.; Class F, George O'Brien, Starland, Los Angeles.

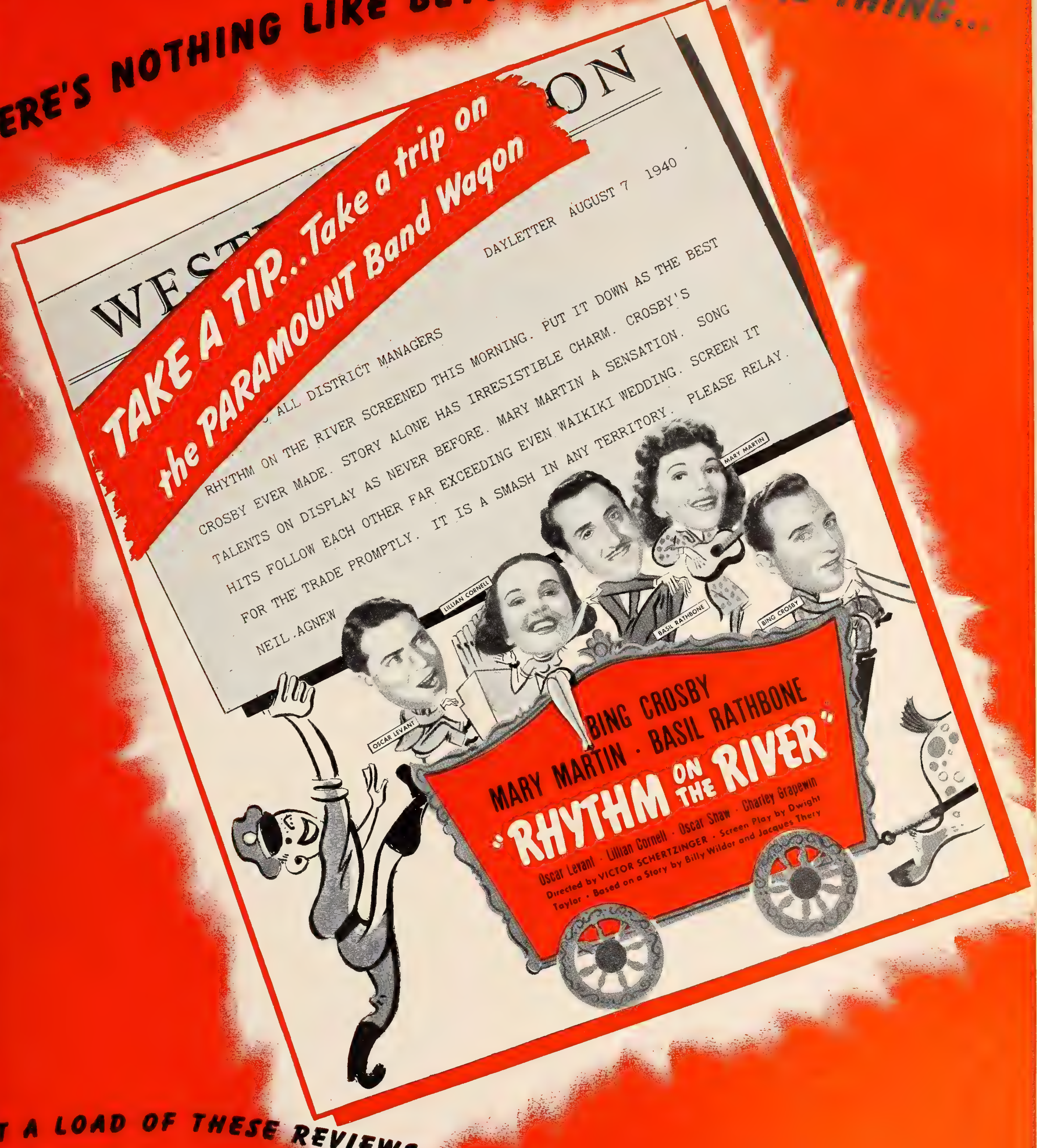
The basis of determining the classifications was the similarity of the competitive situation among the various houses.

Approximately 500 theatres were included in the drive, with about 175 managers receiving awards. A new showmanship campaign will start Sept. 1.

Rooney to Make Tour

Mickey Rooney will come East shortly for a month of personal appearances in a miniature musical revue. He is scheduled for one-week engagements in Loew theatres in Cleveland, Pittsburgh, Washington and New York.

HERE'S NOTHING LIKE BETTING ON A SURE THING...



WEST ON

DAYLETTER AUGUST 7 1940

ALL DISTRICT MANAGERS

RHYTHM ON THE RIVER SCREENED THIS MORNING. PUT IT DOWN AS THE BEST CROSBY EVER MADE. STORY ALONE HAS IRRESISTIBLE CHARM. CROSBY'S TALENTS ON DISPLAY AS NEVER BEFORE. MARY MARTIN A SENSATION. SONG HITS FOLLOW EACH OTHER FAR EXCEEDING EVEN WAIKIKI WEDDING. SCREEN IT FOR THE TRADE PROMPTLY. IT IS A SMASH IN ANY TERRITORY. PLEASE RELAY.

NEIL AGNEW

TAKE A TIP...Take a trip on the PARAMOUNT Band Wagon
LILLIAN CORNELL
MARY MARTIN
BASIL RATHBONE
BING CROSBY
OSCAR LEVANT
BING CROSBY
MARY MARTIN · BASIL RATHBONE
"RHYTHM ON THE RIVER"
Oscar Levant · Lillian Cornell · Oscar Shaw · Charley Grapewin
Directed by VICTOR SCHERTZINGER · Screen Play by Dwight Taylor · Based on a Story by Billy Wilder and Jacques Thery

ET A LOAD OF THESE REVIEWS

"Paramount will certainly please Bing's fans with 'Rhythm on the River'." —Louella Parsons, Los Angeles Examiner

"'Rhythm on the River' refreshing entertainment. Winning, romantic comedy." —Los Angeles Daily News

"One of the best of the films with which Crosby ever has been identified. The tunes and the way they are done will go far to capture audiences." —Edwin Schallert, Los Angeles Times

"Bing Crosby goes to tow[illegible] 'Rhythm on the River'. A choice [illegible] One of the most ente[illegible] films the studio has de[illegible]"

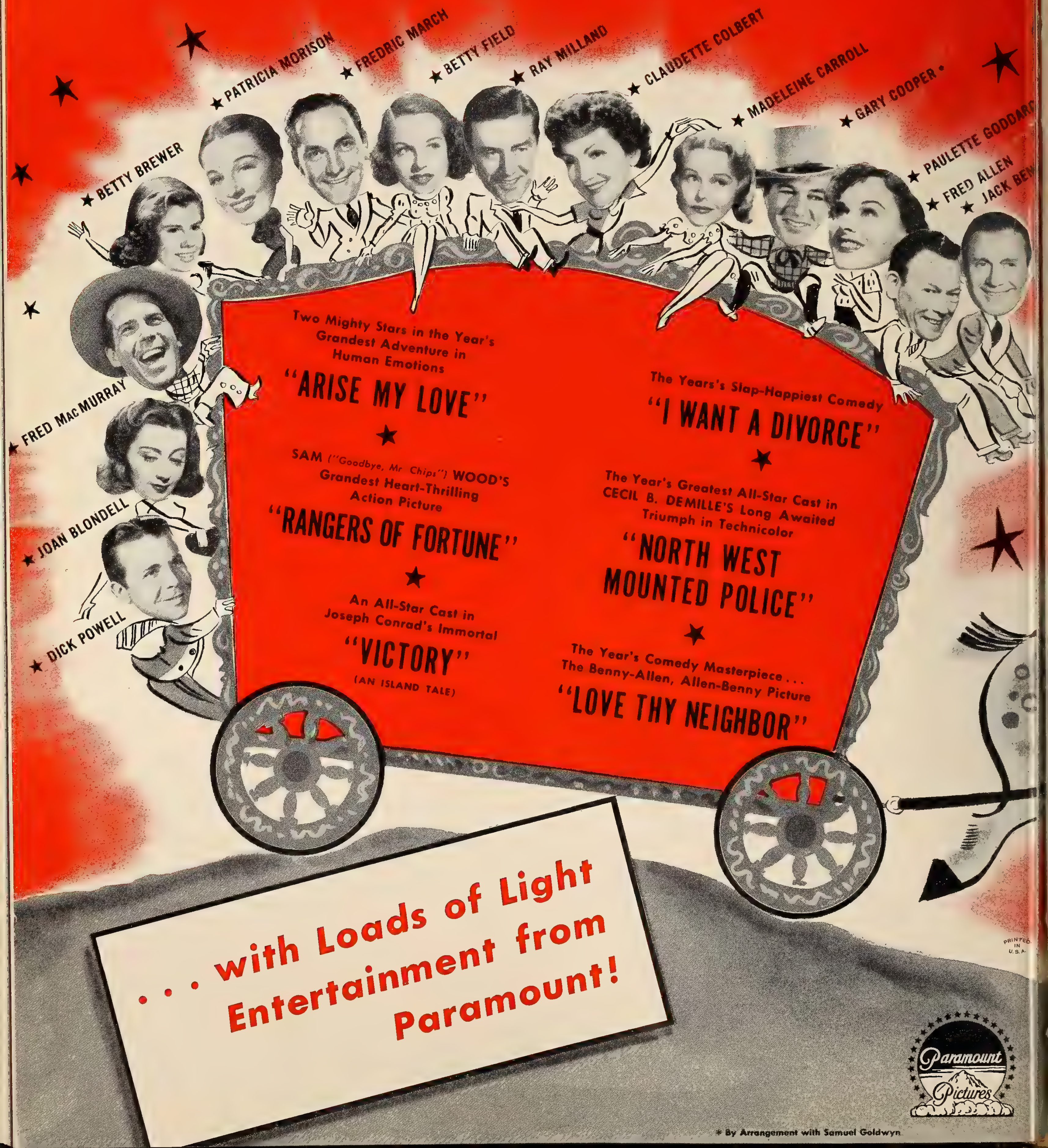
[illegible]

"'Rhythm on the River' [illegible] shows. A most tuneful [illegible] musical entertainment."

[illegible]

ET READY TO..

CLIMB ON THAT BIG PARAMOUNT BAND-WAGON FOR A YEAR'S JOY RIDE...


★ BETTY BREWER
★ PATRICIA MORISON
★ FREDRIC MARCH
★ BETTY FIELD
★ RAY MILLAND
★ CLAUDETTE COLBERT
★ MADELEINE CARROLL
★ GARY COOPER ★
★ PAULETTE GODDAR
★ FRED ALLEN
★ JACK BEN
★ FRED MacMURRAY
★ JOAN BLONDELL
★ DICK POWELL
Paramount Pictures
PRINTED IN U.S.A

Two Mighty Stars in the Year's
Grandest Adventure in
Human Emotions

"ARISE MY LOVE"

★

SAM ("Goodbye, Mr. Chips") WOOD'S
Grandest Heart-Thrilling
Action Picture

"RANGERS OF FORTUNE"

★

An All-Star Cast in
Joseph Conrad's Immortal

"VICTORY"

(AN ISLAND TALE)

The Years's Slap-Happiest Comedy

"I WANT A DIVORCE"

★

The Year's Greatest All-Star Cast in
CECIL B. DeMILLE'S Long Awaited
Triumph in Technicolor

"NORTH WEST MOUNTED POLICE"

★

The Year's Comedy Masterpiece...
The Benny-Allen, Allen-Benny Picture

"LOVE THY NEIGHBOR"

... with Loads of Light
Entertainment from
Paramount!

* By Arrangement with Samuel Goldwyn

Ritzes, 'Love' Loop Leader, Gets $46,000

CHICAGO, Aug. 27.—The Ritz Brothers and "My Love Came Back" drew a strong $46,000 at the Chicago. "Earthbound" and a stage show at the Oriental brought $19,500, while "The Boys from Syracuse" took $16,000 at the Palace.

Estimated takings for the week ending Aug. 23:

"The Man I Married" (20th-Fox)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: $4,500. (Average, $6,500)

"My Love Came Back" (W. B.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Ritz Brothers. Gross: $46,000. (Average, $32,000)

"All This, and Heaven Too" (W. B.)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: $3,500. (Average, $5,000)

"Earthbound" (20th-Fox)
ORIENTAL—(3,200) (25c-40c) 7 days. Stage: Eddy Howard. Gross: $19,500. (Average, $13,000)

"The Boys from Syracuse" (Univ.)
"The Saint Takes Over" (RKO)
PALACE—(2,500) (35c-40c-60c) 7 days. Gross: $16,000. (Average, $13,000)

"They Drive by Night" (W. B.)
ROOSEVELT—(1,500) (35c-55c-75c) 7 days, 2nd week. Gross: $8,500. (Average, $11,000)

"Girls of the Road" (Col.)
STATE-LAKE—(2,700) (25c-40c) 7 days. Stage: Maxie Rosenbloom. Gross: $16,000. (Average, $15,000)

"I Love You Again" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days. Gross: $15,500. (Average, $14,000)

"Gone With the Wind" (M-G-M)
WOODS—(1,100) (75c-$1.10-$1.50) 7 days, 30th week. Gross: $6,000.

'James' at $8,000 Tops Kansas City

KANSAS CITY, Aug. 27.—"The Return of Frank James," with $8,000 at the Esquire and Uptown made the best showing in a week of cool weather and little outside competition. The picture took $3,800 at the Esquire and $4,200 at the Uptown and was held at both houses.

Estimated takings for the week ending Aug. 20-22:

"The Return of Frank James" (20th-Fox)
ESQUIRE—(800) (28c-44c) 7 days. Gross: $3,800. (Average, $2,200)

"Captain Caution" (U. A.)
"Blondie Has Servant Trouble" (Col.)
MIDLAND—(4,000) (28c-44c) 7 days. Gross: $7,500. (Average, $9,500)

"Comin' Round the Mountain" (Para.)
NEWMAN—(1,900) (28c-44c) 7 days. Gross: $6,800. (Average, $7,000)

"The Ramparts We Watch" (RKO)
"Ladies Must Live" (W. B.)
ORPHEUM—(1,500) (28c-44c) 7 days. Gross: $3,900. (Average, $5,000)

"Scatterbrain" (Rep.)
TOWER—(2,200) (30c) 7 days. Stage: Ford, Harris & Jones; Jimmy & Mildred Mulcay, and Billy & Idylle Shaw. Gross: $6,400. (Average, $6,000)

"The Return of Frank James" (20th-Fox)
UPTOWN—(2,000) (28c-44c) 7 days. Gross: $4,200. (Average, $3,000)

Co-Star Gable-Lamarr

HOLLYWOOD, Aug. 27.—Clark Gable and Hedy Lamarr will be co-starred by M-G-M in "Comrade X," which will go into work at once under the direction of King Vidor. The story is an original by Ben Hecht and Charles Lederer.

Open Airline Next Month

The Airline, 528-seat newsreel theatre opposite Grand Central Terminal, will be opened the latter part of next month by Dave Dubin, operator of the Grand Central newsreel house.

Critics' Quotes . . .

"THE GREAT McGINTY" (Paramount)

Political graft and chicanery are viewed with a cynical and realistic eye in "The Great McGinty." . . . A refreshing novelty. . . . Brian Donlevy plays the lead with enthusiasm and complete success.—*Boston Herald.*

Brian Donlevy comes into his own as the star . . . a powerful and amusing delineation of graft in a big city. . . . He nicely combines comedy and personality. . . . Is one of those unheralded films which become a surprise sensation.—*Boston Daily Globe.*

One of the merriest and most entertaining exhibits offered in these parts in many a day. . . . Essentially a triumph for Preston Sturges. . . . There is a freshness and bounce to the picture . . . which combine to make it eminently satisfactory entertainment.—*Garrett D. Byrnes, Providence Journal.*

Provokes considerable laughter as a travesty on the ruthless brigandage which sometimes governs our affairs. . . . There is scarcely a dull moment. . . . There is homely wit in abundance. . . . One of the very best comedies of the year.—*Gilbert Kanour, Baltimore Evening Sun.*

Takes political corruption for a hilarious ride in one of the most delightful comedies seen here since the year of the big wind. . . . Major credit should go to Preston Sturges, who wrote and directed the comedy. . . . The plot moves at a fast clip.—*Baltimore Morning Sun.*

Interesting, funny and dramatic. . . . In fact, it is one of the liveliest and best pictures seen around these parts in many a day.—*Norman Clark, Baltimore News-Post.*

A great show. . . . "The Great McGinty" is shrewd, salty, adroit. . . . It is also an actor's dream. Brian Donley makes the dream come true.—*Time.*

"LUCKY PARTNERS" (RKO)

"Lucky Partners" is a cream puff comedy in a class of its own and is principally distinguished because it teams Ginger Rogers and Ronald Colman as a romantic couple for the first time. . . . The direction keeps the film rolling in moderate tempo.—*Newsweek.*

Teaming Ronald Colman and Ginger Rogers is effective and unusual showmanship and will do much to enhance the attractions of this picture, which turns out to be a romantic comedy of a delightful order. . . . The amusement of the whole adventure is cumulative, reaching its height in the courtroom finale. . . . The humor is often smart and sophisticated.—*Edwin Schallert, Los Angeles Times.*

"I LOVE YOU AGAIN" (M-G-M)

A frothy but highly entertaining marital comedy superbly suited to the talents of William Powell and Myrna Loy . . . It's light but extremely good fun . . . You'll like it.—*Garrett D. Byrnes, Providence Journal.*

William Powell and Myrna Loy will restore your faith in Hollywood's ability to serve up a spicy, appetizing dish . . . One of those all too rare comedies with a constant mood of hilarity.—*Cecil Smith, Chicago Tribune.*

"HE STAYED FOR BREAKFAST" (Columbia)

A delightfully sophisticated satire on Communist and bourgeoise morals and manners in "He Stayed for Breakfast." . . . Melvyn Douglas exhibits his versatility with a slick performance.—*Newsweek.*

'Boom Town' Draws $13,500, Cincinnati

CINCINNATI, Aug. 27. — "Boom Town" garnered a big $13,500 in its second week at the RKO Capitol, where it went into the third stanza. "They Drive By Night" took $9,700 at the RKO Palace. A sudden break in the extreme heat helped business.

Estimated takings for the week ending Aug. 22-24:

"The Boys From Syracuse" (Univ.)
RKO ALBEE—(3,300) (39c-47c) 7 days. Gross: $10,500. (Average, $12,000)

"They Drive By Night" (W.B.)
RKO PALACE—(2,700) (39c-47c) 7 days. Gross: $9,700. (Average, $10,000)

"I Married Adventure" (Col.)
RKO SHUBERT—(2,150) (33c-40c-50c) 7 days. Gross: $5,900. (Average, $6,500)

"Boom Town" (M-G-M)
RKO CAPITOL—(2,000) (42c-60c) 7 days, 2nd week. Gross: $13,500. (Average, at 39c-47c, $6,500)

"We Who Are Young" (M-G-M) 2 days.
"The Walt Disney Festival" (RKO) (5 days)
RKO LYRIC—(1,400) (33c-42c) 7 days, 2nd week for Disney Festival. Gross: $3,100. (Average, $5,000)

"Queen of the Mob" (Para.)
"Haunted Gold" (W.B.)
RKO FAMILY—(1,000) (15c-28c) 4 days. Gross: $1,300. (Average, $1,500)

"Pop Always Pays" (RKO)
"Millionaires in Prison" (RKO)
RKO FAMILY—(1,000) (15c-28c) 3 days. Gross: $850. (Average, $900)

"Blondie Has Servant Trouble" (Col.)
KEITH'S—(1,500) (39c-47c) 7 days. Gross: $5,100. (Average, $6,000)

'Love You' Takes $4,000, New Haven

NEW HAVEN, Aug. 27.—The second week of "I Love You Again" and "Tom Brown's School Days" grossed $4,000. "The Great McGinty," dualled with "Son of the Navy" at the Paramount, took $4,500. Cool weather helped.

Estimated takings for the week ending Aug. 22:

"I Love You Again" (M-G-M)
"Tom Brown's School Days" (RKO)
COLLEGE—(1,499) (39c-55c) 7 days, 2nd week. Gross: $4,000. (Average, $2,700)

"The Return of Frank James" (20th-Fox)
"The Man I Married" (20th-Fox)
LOEW-POLI—(3,040) (39c-55c) 7 days. Gross: $7,800. (Average, $8,000)

"The Great McGinty" (Para.)
"Son of the Navy" (Mono.)
PARAMOUNT—(2,348) (39c-55c) 7 days. Gross: $4,500. (Average, $4,000)

"When the Daltons Rode" (Univ.)
"Private Affairs" (Univ.)
ROGER SHERMAN—(2,200) (39c-55c) 7 days. Gross: $4,000. (Average, $5,000)

F. P. Canadian Dividend

TORONTO, Aug. 27.—The third dividend for this year has been declared on the common shares of Famous Players Canadian Corp., the amount being 25 cents per share, payable Sept. 27 to holders of record Sept. 17. Similar amounts were paid for each of the first two quarters of 1940. It is anticipated that the circuit will round out the calendar year with a total disbursement of $1.

'Boom Town' Holds Pace in L.A., $30,800

LOS ANGELES, Aug. 27. — "Boom Town" continued to set the pace, with a total of $30,800 at two theatres, $14,400 at the Chinese and $16,400 at Loew's State. "Pride and Prejudice" was strong with $8,300 at the 4 Star, and "The Ramparts We Watch" and "Cross Country Romance" drew $7,800 at the Hillstreet and $9,000 at the Pantages.

Estimated takings for the week ending Aug. 21:

"Boom Town" (M-G-M)
CHINESE — (2,500) (44c-55c-75c-85c) 7 days, 2nd week. Gross: $14,400. (Average, $12,500)

"Pride and Prejudice" (M-G-M)
4 STAR—(900) (44c-55c) 7 days. Gross: $8,300. (Average, $3,250)

"The Ramparts We Watch" (RKO)
"Cross Country Romance" (RKO)
HILLSTREET—(2,700) (38c-44c-55c-75c) 7 days. Gross: $7,800. (Average, $6,500)

"Boom Town" (M-G-M)
LOEW'S STATE—(2,500) (44c-55c-75c-85c) 7 days, 2nd week. Gross: $16,400. (Average, $14,000)

"The Ramparts We Watch" (RKO)
"Cross Country Romance" (RKO)
PANTAGES—(3,000) (33c-44c-55c-75c) 7 days. Gross: $9,000. (Average, $7,000)

"The Villain Still Pursued Her" (RKO)
PARAMOUNT—(3,595) (33c-44c-55c-75c) 7 days. Stage: F. & M. revue, Rudolf Friml, Jr. and his orchestra. Gross: $14,000. (Average, $18,000)

"River's End" (W. B.)
"Ladies Must Live" (W. B.)
WARNER BROS. (HOLLYWOOD) — (3,000) (33c-44c-55c-75c) 7 days. Gross: $6,800. (Average, $14,000)

"River's End" (W. B.)
"Ladies Must Live" (W. B.)
WARNER BROS. (DOWNTOWN) — (3,400) (33c-44c-55c-75c) 7 days. Gross: $7,700. (Average, $12,000)

'Syracuse' Draws $7,800, Milwaukee

MILWAUKEE, Aug. 27.—Joe Reichman and his band and the film, "Wagons Westward," took $9,800 at the Riverside. "River's End" and "The Boys from Syracuse" at the Warner drew $7,800.

Estimated takings for the week ending Aug. 22:

"Wagons Westward" (Rep.)
RIVERSIDE—(2,700) (28c-44c) 7 days. Stage: Joe Reichman. Gross: $9,800. (Average, $6,500)

"River's End" (W. B.)
"The Boys from Syracuse" (Univ.)
WARNER'S—(2,400) (30c-40c-55c) 7 days. Gross: $7,800. (Average, $4,500)

"Pride and Prejudice" (M-G-M)
"The Man I Married" (20th-Fox)
"Sporting Blood" (M-G-M)
STRAND—(1,400) (30c-40c-55c) 2-5 days. Gross: $1,300. (Average, $1,500)

"The Man I Married" (20th-Fox)
"Sporting Blood" (M-G-M)
"The Return of Frank James" (20th-Fox)
"Girl from Avenue A" (20th-Fox)
WISCONSIN — (3,200) (30c-40c-55c) 2-5 days. Gross: $6,600. (Average, $5,500)

Films Council Hits Triples in St. Louis

ST. LOUIS, Aug. 27.—The local Better Films Council has protested to Harry Arthur, Jr., president and general manager of Fanchon & Marco, Inc., on the triple bills in the houses operated by F. & M. for the St. Louis Amusement Co.

Two of the F. & M. neighborhood houses are currently featuring three features on a nightly bill and a movement has been started by the independents to persuade Arthur to discontinue the policy.

Bob Hope, Tycoon

CLEVELAND, Aug. 27.—It's Bob Hope, manufacturer, now. The stage, screen and radio star steps into the ranks of the capitalists in his home town as the maker of steel doors and the like.

Hope spent two days here organizing Hope Metals Products, Inc., with his older brother, Ivor, who will be president and sales manager. Bob will be director and chairman of the board.

Coast House Offers Duals and Singles

Hollywood, Aug. 27.—Opened last Friday in Alhambra, some 20 miles from Hollywood, was what its sponsors call "the world's only single bill-double bill theatre."

Called the Alhambra, the theatre represents an innovation in that the house has two auditoriums under one main entrance; with both auditoriums showing the same double bill, but so alternated that the patron may see just the picture of his choice. Operated by James Edwards, Jr., the house represents his solution of the double feature problem.

• •

Signing new or extended contracts recently have been Harold S. Bucquet, M-G-M director; Edward Buzzell, also of the M-G-M directorial force; Dorothy Lovett, given a new three-picture deal by Stephens-Lang for its "Dr. Christian" series; Randolph Scott, given a 20th-Fox contract to appear in three films within the next two years.

• •

Assignments made by studios within the last few days have included: Lewis Milestone has been assigned by United Producers to direct the first picture produced for RKO release . . . Carole Lombard and Robert Montgomery will portray the starring roles in RKO's "Mr. and Mrs. Smith" . . . George Brent will be starred by Warners in "South of Suez" . . . Paramount has assigned Barbara Stanwyck the starring role in "Pioneer Woman" . . . Dennis Morgan will play the leading masculine role opposite Ginger Rogers in "Kitty Foyle" for RKO . . . Frances Dee and Anna Sten will appear in the Loew-Lewin production of "Flotsam."

Abeles to Trinidad

Arthur Abeles, Jr., Warner manager in Trinadad, left for his post yesterday after a visit here. Harold Dunn, Far East manager for the company, will return to his headquarters in Shanghai in about another week, while Robert Schless, European manager, plans to remain here indefinitely due to the war.

Rejects RCA Dismissal

New York Supreme Court Justice J. Sidney Bernstein yesterday denied application of RCA, General Electric Co. and Westinghouse Electric and Manufacturing Co. to dismiss the complaint of RCA minority stockholders against Victor Talking Machine Co., a dissolved subsidiary of RCA.

Off the Antenna

A CAMPAIGN to popularize frequency modulation receivers will be started by Stromberg-Carlson Monday over WQXR. The first broadcast will be heard over both WJXR and its FM affiliate, W2QXR, and will emphasize the tonal advantage of FM. The program, "Treasury of Music," will be heard Mondays, Wednesdays and Fridays at 7:30 P. M. during September and four half-hour periods will be used during the next three months.

• • •

Purely Personal: *Mann Holiner, who has just joined Benton & Bowles after several years as radio head of Lennen & Mitchell, leaves for the Coast today to direct the Maxwell House program. Don Cope, who has been on the Coast, will return to the New York offices as assistant to Tom Revere, vice-president in charge of radio. . . . Otto Korntheuer, WHN engineer, has been married to Carol Wyman. . . . Ralph Edwards, who conducts "Truth or Consequences," has resigned as announcer of the Major Bowes "Amateur Hour."*

• • •

CBS plans a broadcast next Tuesday at 10:30 P. M. to mark the first anniversary of the declaration of war. Six correspondents will give their impressions of the world one year ago and as it is today. Air raids permitting, William L. Shirer will be heard from Berlin and Edward R. Murrow from London, with Albert Warner from Washington and Major George Fielding Elliott and Elmer Davis, New York. Bob Trout will introduce the speakers.

• • •

August was the biggest ever for new business at WNEW, Herman Bess, vice-president in charge of sales, revealed yesterday. It represented an increase of 578 per cent over the same month last year, according to Bess, and the month isn't over. Most notable is a 52-week contract with L. Bamberger & Co., the Newark department store which owns WOR. Business signed includes Greenways, 13 weeks; Red Seal, 13; Community Opticians, 10; P. Lorillard & Co., 52; White Laboratories, 39; Westinghouse, 15; Oakland Chemical, 52; Grennan Bakeries, 13; N. Y. State Bureau of Milk Publicity, 28; Gulden, 26; Pinex, 26; Smith Bros., 19; L. N. Renault & Sons, 13; Tappins, 13; *Successful Living* magazine, 25; S. A. Schorbrunn, 52; D'Arrigo Bros., 26, and Baume Bengue, 52.

• • •

Program News: *WOR has sold "Where Are You From?" to a sponsor, Mission Dry Corp., effective Oct. 2. . . . WOR will carry Yale football games exclusively this Fall. In addition to the six Yale games, Ohio State-Pittsburgh, Penn-Army and Brown-Columbia will also be heard. Atlantic Refining Co. is sponsor. . . . Haven McQuarrie, conductor of "Marriage Club," returns to New York today to prepare for the return of the program Sept. 7. . . . Andrew Jergens Co. has renewed "Jergens Journal" with Walter Winchell and "Parker Family" for 13 weeks over NBC-Blue effective Sept. 29.*

• • •

NBC will add its 199th affiliate shortly when WSFA, Montgomery, Ala., joins the network as an optional Red or Blue outlet. The station operates on 1,410 k.c. with 1,000 watts. The exact date for joining NBC has not been set because WSFA has a contract with CBS which does not expire until Dec. 20.

Theatre Changes

Kansas City House Ready

Kansas City, Aug. 27.—The new $50,000 Granada, constructed from the walls of the old Granada by Mrs. Allie Winkler, J. A. Becker, and L. R. Turner of Associated Theatres in Independence, Mo., will ropen in a week at a 20c-30c policy.

Remodel Florida House

Ocala, Fla., Aug. 27.—J. A. Prentice, formerly of Fort Meade, is the new manager of the Crescent Theatre in Dade City, which is being remodeled.

Plans New Theatre

Lake Wales, Fla., Aug. 27.—W. N. Carasion, who recently purchased the building now occupied by the Post Office, from Kenneth Rhodes, has announced that he will completely remodel the building for a theatre.

Remodels in New Britain

New Britain, Conn., Aug. 27.—Nick Marlemes, who recently acquired the 963-seat Rialto Theatre for Sept. 1 operation, will install new sound, carpets, screen, and decorations. Marlemes also operates the Royal, Tarpon Springs, Fla.

Remodel in Baltimore

Baltimore, Aug. 27.—Remodeling of the Auditorium Theatre for films is under way. The former legitimate house has been purchased by Charles W. Hicks who owns the Bridge, Hampden, Alpha and Westport in Baltimore, and the Regent in Littletown, Pa.

Close Sparks Theatre

Plant Cty, Fla., Aug. 27.—The State Theatre here of the Florida Sparks Enterprise group, will close for an indefinite period. The theatre probably will reopen about Oct. 1, it was said. T. J. Sparrow is general manager of Sparks theatres in Plant City, while Jack A. Cameron has been house manager of the State.

To Replace Burned Theatre

Grundy Center, Ia., Aug. 27.—The Grand Theatre, which was burned last week with a loss of approximately $12,000, is to be replaced by a new and larger theatre according to the owner, Frank Rubel.

Plans South Carolina House

Barnwell, S. C., Aug. 27.—G. Frank Lundy is erecting a new house in Barnwell to seat 250.

Popeye Has Daddy

THE Fleischer Studios in Miami, producing cartoons for Paramount release, have developed a new starring team, Popeye and Poopdeck Pappy, the father of the spinach-eating sailor. The new combination will appear in the new season's Paramount short subject lineup.

Grant War Bonus To Transport Men

By AUBREY FLANAGAN

London, Aug. 27.—An agreement granting war bonuses and wage increases to transport workers working in the film industry has been signed by the British K.R.S. A previous agreement expired last December.

Lou Jackson, chairman of Anglo-American Film Co., Ltd., has recently joined the directorate of British National Films.

A profit of £195,399 ($781,596) is reported by Union Cinemas for the year ending Dec. 31, 1939.

After deductions for interest payable less interest receivable, National Defense and tax contributions, and $200,000 placed to reserve for depreciation and amortization, this leaves a net profit of £12,108 ($18,432). Union Cinemas is under the control and management of Associated British.

Hugh Findlay, for some time publicity manager of Twentieth Century Productions, has joined the British Ministry of Information. He operates as liaison between the Ministry's Film Section and the press.

Republic Sets Film Deal with Saenger

New Orleans, Aug. 27.—James R. Grainger, president of Republic, has closed a deal for the company's 1940-'41 product with the Saenger Circuit and affiliates here. Besides Grainger, Arthur C. Bromberg, Republic Southern franchise holder, and Leo Seichsnaydre, New Orleans branch head, acted for Republic, with Gaston Dureau and Levere Montgomery for the Saenger circuit.

Editors' Guild Meets

The Motion Picture Film Editors Guild of New York, comprising about 150 members, heard routine matters discussed last night at a meeting in the Capitol Hotel. Officers of the organization include John Michon of News of the Day, president; Ben Loweree of Movietone News, vice-president, and Joseph Vadala of Universal, secretary. Michon presided at last night's session.

Yorke Names Koppel

Emerson Yorke has appointed Mitchell I. Koppel as manager of the newly created industrial film division of Emerson Yorke Productions. Koppel formerly was connected with Alexander Film Co.

Lamour in 'Chad Hanna'

Hollywood, Aug. 27. — Dorothy Lamour will play the feminine lead in "Chad Hanna" for 20th Century-Fox.

DO NOT REMOV

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PIC
DAILY

First in
an
Impartial

M.P.P.D.A. OF AMERICA,
28 WEST 44TH ST.,
NEW YORK,
N. Y.
(6 COPIES)

VOL. 48. NO. 43 NEW YORK, U. S. A., THURSDAY, AUGUST 29, 1940 TEN CENTS

Independents Will Demand Cancellation

Will Urge This Measure At Decree Hearing

A liberal cancellation privilege, perhaps of 25 percent, rather than unit selling in blocks of five, and national trade showings, will be urged by independent exhibitors at next Tuesday's Washington hearing on the consent decree, it was learned last night. These independent exhibitor demands are those which have been principally urged in all the communications on the proposed decree which have been received from such sources by the Department of Justice.

Some authorities expect the exhibitor leaders to try to rip open the consent decree with their objections.

The independent exhibitors' views on unit selling in blocks of five and trade showings coincide with those held by the Paramount theatre partners and which formed the basis of the partners' complaints against the decree.

Some independent exhibitors who

(*Continued on page* 5)

Crosley Television Permit Is Granted

Washington, Aug. 28.—Application of the Crosley Corp., operator of WLW, Cincinnati, for permission to erect a television station in Cincinnati was approved by the FCC today. The station, initial cost of which is estimated to exceed $100,000, will use the same standards as NBC, with 30 frames per second.

Loew's May Raise 'Boom Town' Scales

Loew officials are contemplating a 25 to 33 per cent increase in admission scales in all of the circuit's first run houses for the showing of "Boom Town." Prices also will be raised at the Capitol on Broadway. At this main Loew showcase where the scale runs from 25 cents to $1.10, the increase contemplated will be 10 cents, exclusive of tax, on each admission. The picture follows into this theatre after the present William Powell-Myrna Loy picture, "I Love You Again."

W. Va. Managers Condemn Decree, Block-of-5 Sales

White Sulphur Springs, W. Va., Aug. 28.—The proposed Federal consent decree, particularly the block-of-five sales provision, was condemned in a resolution adopted at the annual convention of the West Virginia Managers' Association here today.

The action followed an address by Ed Kuykendall, president of the M.P.T.O.A., who said that he knew of no exhibitor who had given thought to the projected decree, and especially the sales clause, who was in accord with all provisions.

Stating that a small minority in the industry "was causing all the trouble," Kuykendall urged cooperation between distributors and exhibitors, or the alternative would be "disaster." He deplored Samuel Goldwyn's recent article in the *Saturday Evening Post* which discussed duals and other industry practices, although he said he was in accord with some of Goldwyn's thoughts.

Possible competition from coin film machines was discussed, as were also taxation, labor, school shows and other local problems.

The entire slate of officers, headed by S. J. Hyman, president, was reelected. J. C. Shanklin, vice-president, presided in Hyman's absence. W. H. Holt, secretary-treasurer, was active in convention arrangements.

SAG to Try Members On Threat Charges

Hollywood, Aug. 28.—The Screen Actors Guild today set Sept. 4 as date for trial of two members charged with attempted extortion of jobs from studio casting directors by threats and physical violence. The charges were preferred by Howard R. Philbrick, Central Casting Bureau general manager.

LONDON DISCUSSES NEW MONEY PACT

Projected Agreement to Replace Present One Expiring Oct. 31

Official conversations have been begun in London with the proper authorities regarding a new monetary export agreement between the American film companies doing business in Great Britain and the British Government, it was learned last night.

The present agreement expires Oct. 31. Its terms provide that conversations regarding a new agreement may be started within three months of the expiration date.

It is the hope of the American companies that there will be no adverse changes proposed in a new agreement.

U. S. Ambassador Joseph P. Kennedy was instrumental in negotiating the present agreement under which seven major companies are authorized to withdraw $17,500,000 during the one-year term of the agreement. Already 75 per cent of their allotments has been withdrawn, in compliance with the terms of the agreement. The $17,500,000 represents 50 per cent of the seven companies' average annual business in Great Britain for the three years preceding the present agreement.

B. & K. Belmont Drops Triples For Dual Bills

By IRVING YERGIN

Chicago, Aug. 28.—Balaban & Katz will abolish triple features for a policy of duals at its Belmont Theatre here, John Balaban disclosed today. Sept. 13 is the date set for the change.

Balaban's comment was as follows: "Triple features have been a common practice in Chicago for years and continue successfully in a number of Chicago theatres today.

"The Belmont adopted the triple feature policy only after competitive theatres surrounding it had been presenting three features on every program a year or more. It was apparent at the time that the triple feature policy was popular in this particular neighborhood and we adopted the idea.

"We plan to restore double feature programs at the Belmont Theatre and to continue this policy indefinitely. If however, competitive theatres in the neighborhood will again go to triple features we may have no alternative but to do likewise."

The B. & K. decision follows a strong campaign by Jack Kirsch, Illinois Allied president, against triple bills in Chicago. On June 16, at Kirsch's behest, 14 independent theatres in the area surrounding the Belmont agreed to abandon triples. Although this was a verbal agreement, all concerned have lived up to it.

"The Howards of Virginia"

[Columbia]

FRANK LLOYD has opened on the screen the pages of one of the most glowing chapters of the early history of the United States, the period immediately prior to and carrying through the Revolutionary War, as a background for the dramatic story of a family of the Virginia colony, and has achieved a great and moving motion picture.

The picture is without question one of the finest examples of screen entertainment, and exhibitors will be proud to present it to their patrons. It rings with the underlying motif of the story, the fight of the American colonists for their own liberty and that of future generations. Today, with that same cry echoing across the minds

(*Continued on page* 5)

Executives Confer On Defense Films

Washington, Aug. 28.—Film industry executives are conferring here with officials of the National Defense Advisory Commission on plans for industry cooperation in the nation's defense program. Circuit heads, in particular, have been in conference on showing defense films in theatres.

Robert Collier, long connected with

(*Continued on page* 5)

Censor in Mexico Bans Nazi Picture

Mexico City, Aug. 28.—The Mexican censor has banned the German-made picture, "Sport Show of the Nations," 24 reels depicting the last Olympic Games in Berlin. The film

(*Continued on page* 5)

Holdovers B'way Holiday Program

Broadway first run houses will be featuring holdover attraction as the holiday fare, in most instances, next Monday when the Labor Day holiday ushers in the new season. Oldest of the holdovers, of course, will be "Gone With the Wind" which will wind up its 37th week at the Astor Monday.

The new product will include "He Stayed for Breakfast" with a stage show at the Roxy, "Foreign Correspondent" at the Rivoli, "Rhythm on the Range" with a stage show consisting of Will Bradley's orchestra, Ken Murray, Dinah Shore and Tito Guizar at the Paramount.

It will be the fourth week for "The Sea Hawk" and Phil Spitalny's band at the Strand and for "Pride and Prejudice" with a stage show at the Music Hall. "I Love You Again" will be in its third week at the Capitol and holiday crowds will be treated to a view of the "Dr. I. Q." broadcast from the stage.

"Hell's Cargo" will be on view at the Globe and "Gold Rush Maisie" at the Criterion.

Skouras Returns Today

Spyros Skouras, head of National Theatres, will return from the Coast by plane today after a tour of divisional headquarters and a meeting with Charles Skouras in Los Angeles.

Personal Mention

LEO SPITZ left for Chicago yesterday.

•

James Roosevelt will leave for Chicago by plane today and will continue to the Coast after a brief business visit there.

•

Joseph M. Schenck arrived from the Coast by plane yesterday and expects to be in New York several weeks.

•

J. Cheever Cowdin, Universal board chairman, is expected back from the Coast next Wednesday.

•

M. A. Lightman will leave for Memphis tomorrow with members of his family who have been vacationing in Maine.

•

Dave Palfreyman of the M. P. P. D. A. returned yesterday from a vacation in Maine.

•

Norman Ayers, Warner branch manager in Boston, arrived yesterday for conferences with Roy Haines, Eastern and Canadian sales manager.

•

Maurice Silverstone, Harry Buckley, Emanuel Silverstone and Seymour Poe at Lindy's (next to the Rivoli) for lunch yesterday.

S. A. LYNCH, Miami theatre operator, is in town.

•

Charles Kessnich, Southern district manager for M-G-M, with headquarters in Atlanta, is at the home office.

•

Melvin Albert of the law firm of Weisman, Celler, Quinn, Allan and Spett is the father of a son, born Monday to Mrs. Albert at Sydenham Hospital. The child, their second, has been named Edward Ira.

•

Morris Ebenstein of the Warner home office legal department, left last night via American Airlines for a visit to the Coast studio.

•

Robert Weitman, Sam Shain, Maurice Bergman, Leo Spitz, Max A. Cohen, Arthur Hopkins, Adolph Zukor, Barney Balaban, John W. Hicks and Russell Holman at Nick's Hunting Room in the Astor for lunch yesterday.

•

John D. Hertz, Jr., Mort Spring, I. E. Lopert, Otto Preminger, Martin Beck, Frederic Lonsdale and John Golden lunching at Sardi's.

•

Jack Cohn, Nate Spingold and William Brandt at Lindy's (51st St.) yesterday for lunch.

•

Gordon White, Alec Moss, Charles Paine, Lou Pollock, Hank Linet, William J. Heineman, Jeffry Bernerd and Morris Kinzler at the Tavern yesterday for lunch.

•

Sam Abarbanel of Republic's studio publicity department is vacationing here.

•

Louis Charninsky, manager of the Capitol and Rialto in Dallas, is recuperating from typhoid and pneumonia.

•

Corey Richmond, manager of the Hollywood, East Providence, has returned from a vacation.

•

John Nolan, general manager of the Comerford circuit, was in Providence conferring with Edward M. Fay.

UNITED INAUGURATES
SLEEPER FLIGHTS
TO LOS ANGELES
WITH NO CHANGE OF PLANES

The CONTINENTAL
Lv. New York 7 pm. Ar. Los Angeles 9:45 am.
Thru Mainliner sleeper flight.

The OVERLAND FLYER
Lv. New York 10:40 pm. Ar. Los Angeles 1:40 pm. Thru Mainliner sleeper flight.

The CALIFORNIAN
Lv. New York 9 am. Ar. Los Angeles 12:45 am.
Scenic daylight flight in luxurious Mainliners.

Reservations: travel agents, hotels, or
UNITED AIR LINES
58 E. 42nd St. MU-2-7300
UNITED AIR LINES
67 Wall St. MU-2-7300

New Split of Profits Planned for Cohns

Columbia stockholders at the annual meeting Sept. 18 will vote on three-year employment contracts for Harry Cohn, president, and Jack Cohn, vice-president.

The contracts will provide for the restoration out of profits of the 33 1/3 percent cut voluntarily taken by the two executives in September, 1939, if the profits are large enough to warrant the payment. If these payments are made there will be remaining profits equivalent to about $1.18 per share on the common stock after preferred dividends.

Under the new contracts Harry Cohn would receive $2,500 weekly, plus $300 a week for expenses and 12 per cent of the net profits in excess of dividends on the $2.75 preferred stock, but not more than $3,500 weekly. Jack Cohn would receive $1,500 weekly, plus $200 a week for expenses, and six per cent of the net profits computed in the same manner as in the case of his brother, but not more than $2,000 weekly.

Mexico Distributors Strike Against Tax

Mexico City, Aug. 28.—The six film houses in Morelos State, which adjoins this city, are deprived of new product since distributors are refusing to deliver because of the 10 per cent tax the State Government has imposed on pictures that come into Morelos. The strike, the distributors declare, will continue until the Government annuls the tax.

The exhibitors are struggling alo with old pictures, but they are no doing very well at it. Cuernavaca, prominent tourist resort, is in Morelos.

Opera Stars Seek To Enjoin Petrillo

Suit was brought in Supreme Court here yesterday against James C. Petrillo, president of the American Federation of Musicians, in which members of the American Guild of Musical Artists seek an injunction against Petrillo's ultimatum that they join the A.F.M. by Monday or be disbarred from work in films, radio, concerts and phonograph recordings.

The plaintiffs include the leading opera and concert stars, both instrumental and vocal. Justice Ferdinand Pecora issued an order yesterday directing Petrillo to show cause today why execution of his demands should not be stayed pending a hearing on a permanent injunction.

Cooper to Attend Opening in Texas

Gary Cooper, the star of "The Westerner," Samuel Goldwyn-United Artists film, will attend the premiere of the film at the Worth and Hollywood Theatres, Fort Worth, Tex., Sept. 19. The film will open at the Majestic, Dallas, Sept. 20 and 51 towns are expected to show the picture during the first week. Bookings for an additional 50 towns are planned for the following week.

Seek Foreclosure Of Hearst Property

Continental Bank & Trust Co. has filed suit in the New York Supreme Court to foreclose a $4,844,750 mortgage on five Hearst-Brisbane properties in New York, including the Ziegfeld Theatre, Sixth Ave. and 54th St., now operated by Loew's.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c

Not One Cent for Tribute—

GULFPORT, Miss., Aug. 28.—Characterizing the demands of the American Legion for 10 per cent of the proceeds from operation of Sunday films here as a tribute the theatres were being required to pay and challenging the patriotism of those who would stop Sunday shows in view of the national defense tax, Paramount Richards Theatres have refused to continue to pay this sum to the American Legion.

During the last 11 years the Legion has realized thousands of dollars from a deal with the theatres, which paid the amount to avoid arrest for violation of the Mississippi blue laws.

Short Subject Reviews

"March of Time, No. 13"

(RKO)

With the trading of naval bases for destroyers capturing the leading stories in most newspapers these days, the latest March of Time reel, "Gateways to Panama" tells the story of the necessary defenses for the Atlantic side of the Panama Canal. Using maps to excellent advantage, the reel describes the nature of Caribbean zone and its importance to the Canal. The fact that French and Dutch possessions may be dominated by Germany in the near future is stressed.

Highlighting the reel, however, are unusual shots of Devil's Island and Cayenne, the capital of French Guiana. Life in the penal colony is grimly portrayed and emphasis is laid on the possibility that the inhabitants of the island may form a "Fifth Column" group for Germany on this hemisphere. Running time, 20 mins.

"Riding Into Society"

(Warners)

The somewhat incredible and corpulent Elsa Maxwell, about to leave on a boat trip, recounts to a group of reporters and assorted friends how she crashed English society years before. The flashback shows her accidental introduction to an English Lord and Lady, and her hectic experiences with a spirited animal at the Lord's country estate, where horses are apparently the main reason for anyone's existence. With Miss Maxwell screaming and falling, alternately, and between times indulging in witticisms, the subject is active, to say the least. Running time, 19 mins.

"Malibu Beach Party"

(Warners)

A caricature cartoon in color of several of Hollywood's best known stars. Jack Benny gives a party, with the assistance of Rochester and Mary Livingstone, while in attendance are Claudette Colbert, Ned Sparks, Clark Gable, Greta Garbo, Fannie Brice and a number of others. Running time, 7 mins.

"Service With the Colors"

(Warners)

One of the Warner series of patriotic subjects, this short, done in excellent color, pictures the training of the American soldier. With a dramatic story developed through the regeneration by an heroic act of a recalcitrant recruit, the picture shows the representative types who make up the army, and finally shows the men on parade at the San Francisco World's Fair. An excellent and inspiring subject, this should serve its purpose well. Running time, 20 mins.

"Football Highlights"

(Warners)

Here is a vivid and, for the sports fan, a thrilling pictorial compilation of the highlight football plays of the past several years. The camera is focused almost exclusively on the Notre Dame team in action, with close-ups of the late famous Knute Rockne. As a matter of fact, the subject becomes a highly entertaining "trailer" for the forthcoming Warner feature, "Knute Rockne, All American." Running time, 10 mins.

"Dogs You Seldom See"

(Warners)

A boy walking along the banks of a stream with his dog meets a painter with a fine collie, and the two discuss dogs. That is the opportunity for picturing, in an interesting color subject, some of the little known breeds, such as the Saluki, Afghan, and two extremely rare species, the Chinese Crested and Mexican Medicine Dog. Running time, 10 mins.

"Puttin' on the Act"

(Paramount)

When Olive Oyl tells Popeye that vaudeville is coming back, the pair start rehearsing their old routine. The result, with Popeye tossing Olive about in strictly cartoon fashion, makes for an average short of its kind. Running time, 7 mins.

Grainger to Coast After Griffith Deal

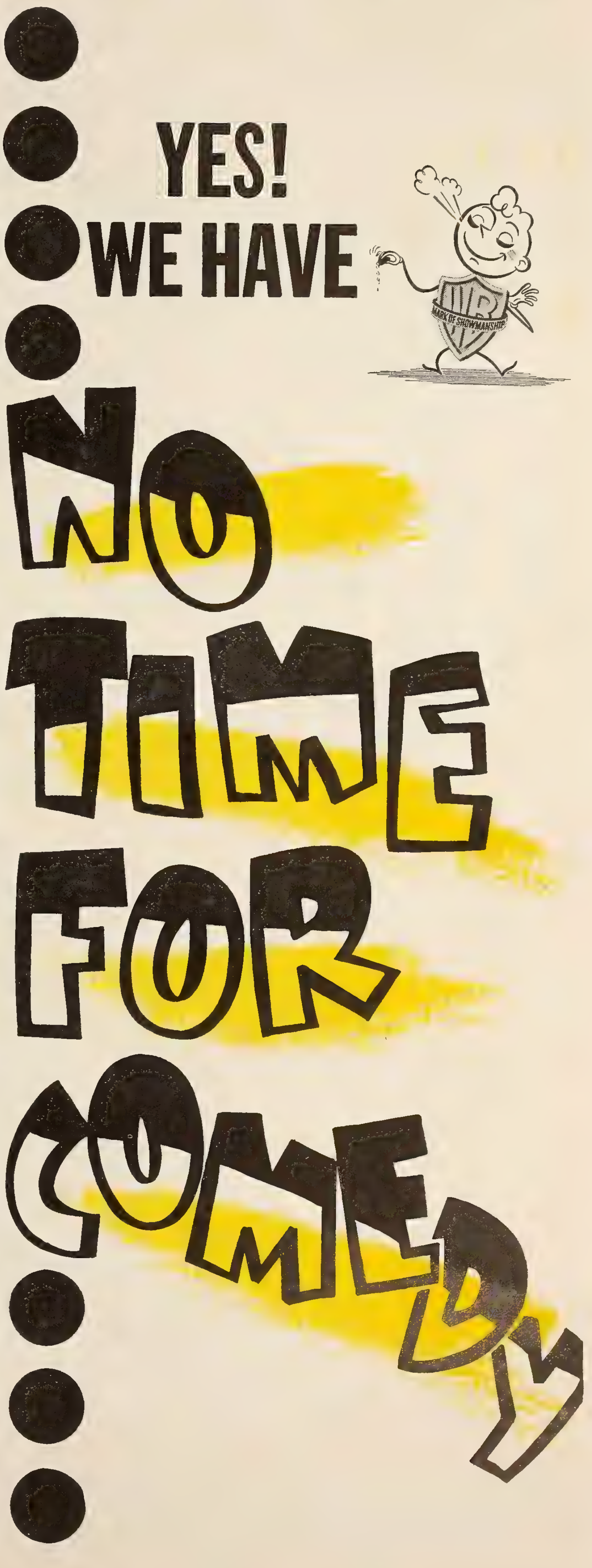
OKLAHOMA CITY, Aug. 28.—James R. Grainger, Republic president left for the Coast today to preside at a regional sales meeting at the studio tomorrow. While here he closed a deal with the Griffith Circuit for the new season's program, covering theatres in Oklahoma and Texas. Sol Davis, franchise owner, also represented Republic, with Horace Falls and O. H. Stark acting for the circuit.

Christopher Drowned

FEDERALSBURG, Md., Aug. 28.—Roger N. Christopher, 34, former manager and owner of the Federal Theatre here, was drowned when he fell from a yacht in the Choptank River during a cruise. The body has not been recovered.

Sedif Pictures Formed

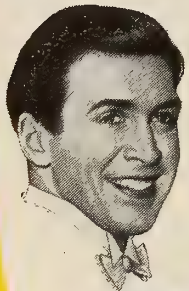
DOVER, Del., Aug. 28.—Sedif Pictures Corp. has been incorporated here with a capital of $10,000. The incorporators were M. S. Cook, A. L. Raughley and F. C. McGee of Dover.



Yes! You'll have

JAMES
STEWART ☆ ROSALIND
RUSSELL

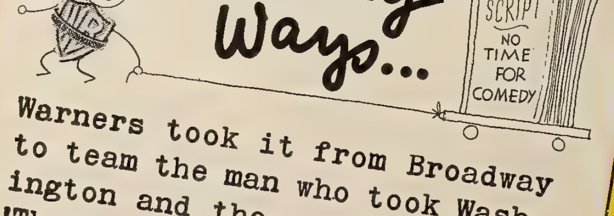
in



NO TIME FOR COMEDY

Next Week!*

*** There's no time for this comedy like Broadway StrÁnd TIME– and a solid 3 weeks, at that!!!**



Taking Ways...

Warners took it from Broadway to team the man who took Washington and the woman who took 'The Women'–So take good notice!

with
GENEVIEVE TOBIN · CHARLIE RUGGLES
Allyn Joslyn · Clarence Kolb · Louise Beavers
Directed by WILLIAM KEIGHLEY
Screen Play by Julius J. and Philip G. Epstein • From the Stage Play by S. N. BEHRMAN
Produced by Katharine Cornell and the Playwrights' Company
A Warner Bros.-First National Picture

Independents Will Demand Cancellation

(*Continued from page* 1)

have written to the Department of Justice, on the other hand, while opposing unit selling in blocks of five [illegible]ent selling on an individual picture [illegible]s.

Exhibitors' opposition to the block-of-five selling proviso is known to overshadow their displeasure with any other phase of the decree. Protests against the clause have poured into the Department of Justice from all parts of the country and from all classifications of theatre operators. It is reported that the number and vigor of the protests is accountable entirely for the Department's decision to grant a hearing to exhibitor organization leaders after permitting members of the Department to disclose repeatedly that there was no inclination in Washington to permit such hearings.

Increased Cost Seen

The substance of exhibitor opposition to the block-of-five selling proposal is that it will increase the cost of films, will make a sufficient supply of product uncertain at all times and will create a "sellers' market" within the industry. It is reported that they will urge the continuance of voluntary whole-block selling and buying with an unconditional cancellation right of 20 per cent of a whole block buy and 15 per cent of a partial block buy. Some exhibitors, on the other hand, are asking for single picture sales, although there appears to be no widespread support for this stand.

Exhibitor opposition directed at the trade showing provisions of the pending decree is less emphatic. The trade showings are regarded more as a costly and bothersome "nuisance" than a serious threat to successful operation. They recommend that the trade showings either be eliminated or made optional with the distributor.

Hearings May Have Influence

Industry opinion holds that the exhibitor hearings will have considerable weight with the Government and that they may result in the discarding of the block-of-five proposal and a renewal of negotiations with the five consenting companies on cancellation or some other antidote for block selling. In any event, it is learned from Government sources that no final word on the pending decree will be forthcoming from Washington until after the exhibitor hearings have been concluded next week and Arnold has reported the exhibitors' views to Attorney General Robert H. Jackson.

Government sources believe that the exhibitor hearings can be concluded on Tuesday. They say that all of the exhibitor representatives will be heard together unless separate meetings are requested by the exhibitors themselves and unless strongly divergent opinions among the exhibitor groups threaten to prolong or stalemate the hearing.

Organizations definitely scheduled to be heard are M.P.T.O.A., Allied States, I.T.O.A. of New York and the Pacific Coast Conference of Independent Theatre Owners. Others may be included if they are able to show their views are not adequately represented by any of the foregoing organizations, it was said.

James Hayes and Robert Sher, special assistants to the Attorney General, returned to New York yesterday after three days of conferences with Department of Justice officials in Washington on the new escape clause in particular and the decree as a whole. The two will meet at the Bar Association here this morning with representatives of the five consenting companies for an exchange of views on the arbitration procedure to be set up under the decree.

"The Howards of Virginia"

[Columbia]

(*Continued from page* 1)

of the entire nation, the film carries tremendous appeal for all audiences.

It is at once history painted with broad, sweeping strokes, and the intensely human and intimate story of the development of a family into strength and power and with the love of liberty, just as the nation rising about them was developing. The best selling novel of Elizabeth Page, "The Tree of Liberty," was adapted to the screen by Sidney Buchman, and he, with Lloyd, who was both producer and director, with rare discernment and skill extracted its full significance and power and the most vital dramatic elements for the screen.

Against a background of the rumblings of rebellion, the Boston Tea Party and massacre, the Declaration of Independence, the outbreak of war, the suffering of a poor and ill-equipped army, the fight of Jefferson in Virginia to rid the colony of the dominating landowners and their hatred of liberty, is carried forward the story of the Howards and their children, seeing the light of liberty and fighting their way toward it, through internal conflict and outside interference.

Cary Grant, Martha Scott, Sir Cedric Hardwicke, Alan Marshal, Richard Carlson and Richard Gaines, and their support, offer a group of superb performances, doing full justice to the splendid material with which they had to work.

Grant, as the young Virginia frontiersman, is himself a symbol of the growth of the country as a nation. Miss Scott, daughter of the wealth and culture of the Tidewater area of Virginia, centering in the capital at Williamsburg, falls in love with this uncouth but overpowering personality, and is carried off to the frontier to build a home in the wilderness.

There is significance, too, in Grant's unending conflict with Hardwicke, brother of Miss Scott, and master of their Tidewater plantation, who most ably personifies the deeply entrenched and superior aristocracy of Virginia. On the other hand is Thomas Jefferson, boyhood friend of Grant, himself an aristocrat by birth, yet endowed with the fire of liberty. Carlson's interpretation of the Jeffersonian character is splendid, while the work of Gaines, portraying Patrick Henry in the delivery of his famous utterances in the Virginia House of Burgesses, is an outstanding highlight.

Running time, 122 minutes. "G."* CHARLES S. AARONSON

"G" denotes general classification.

Censor in Mexico Bans Nazi Picture

(*Continued from page* 1)

was taken to the German legation here from the liner *Columbus* two days before she sailed from Vera Cruz on her scuttling voyage. The picture was acquired by Angel Trechuelo, Mexican distributor, who spent six months and much money preparing it for Spanish-speaking audiences.

The film was banned after it had run for two weeks at the Cine Rex here. The censors considered the film Nazi propaganda.

55th St. Reopens Monday

"Schubert's Serenade," French musical romance, will be the opening attraction of the season of French films at the 55th St. Playhouse, starting Monday. It was produced by F. T. Films in Paris.

Exhibitors Attend 'Howards' Preview

Exhibitors, circuit executives and the press yesterday morning attended a preview of Columbia's Frank Lloyd picture, "The Howards of Virginia," at the Astor Theatre.

Among those present were: Adam Adams, Harry Arthur, George Baldson, John Benas, Lawrence Bolognino, Clayton Bond, Harry Brandt, William Brandt, Max Cohen, Mrs. Helen Dooley, Joseph Eagan, Harold Eskin, Gus Eyssell, S. H. Fabian, Max Fellerman, Nat Fellman, Louis Frisch, E. C. Grainger, R. E. Griffith, Jack Hattem, Harry Hecht, Raymond Higdon, Ed Hinchey, Milton Hossfeld, Al Hovell, Dave Idzal, Lt. Commander Jacobson, Leo Justin, Harry Katz, Dick Kearney, Larry Kent, Thomas Martell, Fred Meyers, Charles Moses, Charles C. Moskowitz, John Nolan, John J. O'Connor, Ezra Parker, Harry Partington, Charles Perry, Eugene Picker, William Powers, Walter Reade, Jr., Walter Reade, Sr., Jack Shea, Aubrey Schenck, Marvin Schenck, Fred Schwartz, Leslie Schwartz, Joseph Seider, Ben Sherman, George Skouras, David Snaper, Walter Vincent, Joe Vogel, Fred Williams and Ed Zabel.

Closes Deal on 'Nation'

Astor Pictures has closed a deal with Harry Aiken of Epoch Productions to distribute the synchronized version of "The Birth of a Nation."

'Hawk' Pulls Big $47,700 Philadelphia

PHILADELPHIA, Aug. 28.—The double opening of "The Sea Hawk" at both the Boyd and Earle cornered most of the downtown business with $47,700 for both houses, giving the former house $25,700 and the latter $22,000. The "Walt Disney Festival" at the Karlton took $5,500. Cooler weather helped.

Estimated takings for the week ending Aug. 22-25:

"The Man I Married" (20th-Fox)
ARCADIA—(600) (35c-46c-57c) 7 days, 2nd run. Gross: $3,300 (Average, $2,600)
"The Sea Hawk" (W. B.)
BOYD—(2,400) (35c-41c-46c-57c-68c) 7 days. Gross: $25,700. (Average, $13,000)
"The Sea Hawk" (W. B.)
EARLE—(4,000) (35c-41c-46c-57c-68c) 7 days. Gross: $22,000. (Average, $14,000)
"The Return of Frank James" (20th-Fox)
FOX—(3,000) (35c-41c-46c-57c-68c) 7 days. Gross: $12,600. (Average, $13,000)
Walt Disney's Festival (RKO)
KARLTON—(1,000) (35c-41c-46c-57c-68c) 7 days. Gross: $5,500. (Average, $3,000)
"They Drive By Night" (W. B.)
KEITH'S—(2,200) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $3,800. (Average, $4,500)
"I Love You Again" (M-G-M)
STANLEY—(3,700) (35c-41c-46c-57c-68c) 7 days, 2nd week. Gross: $13,000. (Average, $14,000)
"Tom Brown's School Days" (RKO)
STANTON—(1,700) (35c-46c-57c) 7 days. Gross: $4,500. (Average, $4,500)

Executives Confer On Defense Films

(*Continued from page* 1)

newsreel companies, has been added to the staff of the commission's public relations division to work with the companies on making national defense clips for the newsreels.

The commission will act as a clearing house for information regarding defense activities throughout the country and will put the newsreel companies in touch with developments which are calculated to make good newsreel material. The newsreels have been devoting considerable attention to this phase of current events, according to commission officials, and Collier has been employed to aid them in covering nationwide activity, rather than in an attempt to induce them to cooperate, it was indicated.

NLRB Starts Coast Bargaining Hearing

HOLLYWOOD, Aug. 28.—An attempt to determine the appropriate bargaining unit for a consent election by office employes of eight studios featured the opening N.L.R.B. hearing before Bruce Hunt, trial examiner, here today.

The Screen Office Employes Guild is seeking the election, while the American Federation of Office Employes' local filed as intervenor, asking that a vote be taken only in the casting offices.

The hearing will continue tomorrow, with various workers detailing their duties to the examiner.

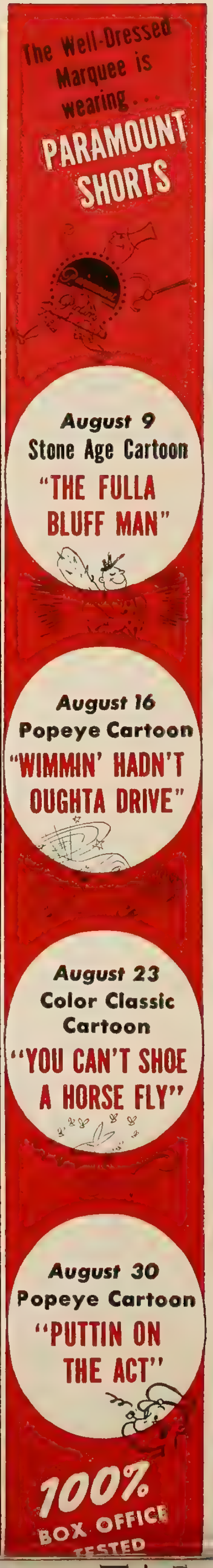
Form Equipment Firm

ALBANY, Aug. 28. — Empire Pictures Co., Inc., has been incorporated here to make and distribute motion picture machines.

MOTION PICTURE DAILY'S BOOKING CHART

Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Aug. 2		Pride and Prejudice (C) *Greer Garson* *L. Olivier*	Orphans of the North (D) Rainbow Over the Range (O)	Golden Gloves (D) *Richard Denning* *Robert Paige*	Ranger and the Lady (O) *Roy Rogers*	Queen of Destiny (D) Walt Disney Festival	The Man I Married (D) *Joan Bennett* *F. Lederer*		South to Karanga (O) *Chas. Bickford* *James Craig*	They Drive By Night (D) *Ann Sheridan* *H. Bogart*
Aug. 9	The Lady in Question (D) *Brian Aherne*	I Love You Again (D) *William Powell* *Myrna Loy*	Doomed to Die (D) Laughing at Danger (D)	Mystery Sea Raider (D) *H. Wilcoxon* *Carole Landis*	Sing, Dance Plenty Hot (M) *Johnny Downs* *Ruth Terry*	One Crowded Night (D) *William Haade* *Billy Seward*	Girl From Ave. A (D) *Jane Withers* *C. Aldrich*	Captain Caution (D) *Victor Mature* *Louise Platt*	Boys from Syracuse (M) *Allan Jones* *Martha Raye*	River's End (D) *Dennis Morgan* *Victor Jory*
Aug. 16	The Durango Kid (O) The Secret Seven (D)	Golden Fleecing (D) *Lew Ayres* *Rita Johnson*	Missing People (D) Arizona Frontier (O)	Comin' Round the Mountain (C) *Burns-Merkel*	Tulsa Kid (O) *Barry-Beery*	Ramparts We Watch (D) Stranger on the Third Floor (D)	Return of Frank James (O) *Henry Fonda* *Jackie Cooper*	Foreign Correspondent (D) *Joel McCrae* *Laraine Day*		Money and the Woman (D) *Jeffrey Lynn* *Brenda Marshall*
Aug. 23	He Stayed for Breakfast (C) *Loretta Young* *Melvyn Douglas*		Range Busters (O) Queen of the Yukon (O)	The Great McGinty (C) *Brian Donlevy* *Muriel Angelus*	Oklahoma Renegades (O)	Dance, Girl, Dance (D) Wildcat Bus D)	Pier 13 (D) *Lynn Bari* *Lloyd Nolan*			Flowing Gold (D) *Pat O'Brien* *John Garfield*
Aug. 30	Five Little Peppers in Trouble (D) *Edith Fellows*	Boom Town (D) *Clark Gable* *Spencer Tracy*	Who Is Guilty? (D) *Ben Lyons* *Barbara Blair*		Earl of Puddlestone (C)	Lucky Partners (D) *Ginger Rogers* *Ronald Colman*	Young People (D) *Shirley Temple* *Jack Oakie*	Kit Carson (O) *Lynn Bari* *Jon Hall*		Sea Hawk (D) *Errol Flynn* *Brenda Marshall*
Sept. 6	Fugitive From a Prison Camp (D) *Jack Holt* *Marion Marsh*	Dr. Kildare Goes Home (D) *Lew Ayres* *L. Barrymore*	Up in the Air (D) *Frankie Darro*	Rhythm on the River (M) *Bing Crosby* *Mary Martin*	Ride, Tenderfoot, Ride (O) *Gene Autry* *Smiley Burnett*	Men Against the Sky (D) *Richard Dix* *Kent Taylor*	Chan at Wax Museum (D) *Sidney Toler*		Argentine Nights (M) *Ritz Brothers* *Andrew Sisters*	Calling All Husbands (C) *Tobias-Truex*
Sept. 13	Before I Hang (D) *Boris Karloff* *Evelyn Keyes*	Wyoming (D) *Wallace Berry* *Leo Carrillo*	The Ape (D) *Boris Karloff*		Girl from Havana (D) *O'Keefe-Carleton*	Dreaming Out Loud (C) Wagon Train (O)	Elsa Maxwell's Public Deb. No. 1 (C) *Murphy-Joyce*	The Great Dictator (C) *Charles Chaplin*	Hired Wife (C) Leather Pushers (D)	No Time for Comedy (C) *Stewart-Russell-Ruggles*
Sept. 20	Howards of Virginia (D) *Cary Grant* *Martha Scott*	Strike Up The Band (M) *Rooney-Garland* *Paul Whiteman*		I Want A Divorce (D) *Joan Blondell* *Dick Powell*	Colorado (O) *Rogers-Hayes*	I'm Still Alive (D) *Kent Taylor* *Linda Hayes*	Yesterday's Heroes (D) *Sterling-Rogers*	The Westerner (O) *Gary Cooper* *Walter Brennan*	Mummy's Hand (D) Ragtime Cowboy Joe (O)	City for Conquest (D) *Cagney-Sheridan*
Sept. 27	Angels Over Broadway (D) *D. Fairbanks, Jr.* Glamour for Sale (D)	Haunted Honeymoon (D) *R. Montgomery* *C. Cummings*	That Gang of Mine (D) *Gorcey-Jordon*	Rangers of Fortune (O) *MacMurray-Morris*	Under Texas Skies (O) *Mesquiteers*	They Knew What They Wanted (D) Triple Justice (O)	Brigham Young (D) *Tyrone Power* *Linda Darnell*	Thief of Bagdad (D) *Conrad Veidt* *Sabu*	Spring Parade (M) *Deanna Durbin* *Robert Cummings*	East of the River (D) *Garfield-Marshall*
Oct. 4			Drums of the Desert (D) *Ralph Byrd*	The Quarterback (C) *Wayne Morris* *Virginia Dale*		The Villain Still Pursued Her (C) *Herbert-Louise*	Gay Caballero *Cesar Romero* *Robert Sterling*		Diamond Frontier (D) *McLaglen-Nagel*	Knute Rockne-All American (D) *O'Brien-Page*
Oct. 11			Old Swimmin' Hole (D) *Moran-Jones*	Victory (D) *Fredric March* *Betty Field*		Too Many Girls (M) *Ball-Carlson*	The Great Profile (C) *John Barrymore* *Mary B. Hughes*		Tropical Sinners (D) *Dietrich-Wayne*	
Oct. 18			You're Out of Luck (D) *Frankie Darro*	A Night at Earl Carroll's (C)		Laddie (O) *Tim Holt* *V. Gilmore*	Night Train (D) *M. Lockwood*		Slightly Tempted (C *Hugh Herb*	


The Well-Dressed Marquee is wearing... PARAMOUNT SHORTS

August 9
Stone Age Cartoon
"THE FULLA BLUFF MAN"

August 16
Popeye Cartoon
"WIMMIN' HADN'T OUGHTA DRIVE"

August 23
Color Classic Cartoon
"YOU CAN'T SHOE A HORSE FLY"

August 30
Popeye Cartoon
"PUTTIN ON THE ACT"

100% BOX OFFICE TESTED

Permission Sought For 2 New Stations

WASHINGTON, Aug. 28.—The Federal Communications Commission has received applications for two new broadcasting stations.

Construction permits were asked by C. T. Sherer Co., Inc., for a new 1,200-kilocycle, 250-watt station at Worcester, Mass., from which would be operated 100-watt amplifier stations at Auburn, Whitinsville and Marlboro, Mass., and by Scripps-Howard Radio, Inc., for a new 1,200-kilocycle, 250-watt station at Houston, Tex.

The commission also received applications from KFSG, Los Angeles, for increase of night power from 1,000 to 2,500 watts, and KGW, Portland, Ore., for increase of night power from 1,000 to 5,000 watts.

Preparing its calendar for Fall hearings, the commission tentatively set the applications of the Mayflower Broadcasting Corp. for a new 1,410-kilocycle station at Boston, with 500 watts power night, 1,000 watts day for hearing Sept. 26; George F. Meyer for a new 1,500-kilocycle, 100-watt station at Medford, Wis., for hearing Sept. 30, and WHJB, Greensburg, Pa., for increase of power from 250 to 1,000 watts, for hearing Oct. 23.

Stockholders Sue Circuit

ROANOKE, Va., Aug. 28.—W. B. Huddleston, Mrs. Elizabeth P. Broun and Mrs. Lucy E. Peters, stockholders, have filed suit here against the National Theatre Corp., Sun Investment Corp., Henry Scholz, B. S. Smith and Elmore D. Heins, president of National. They charge mismanagement of the circuit.

Weiner Buys Exchange

Charles Weiner, who recently resigned as manager of the Monogram exchange in Minneapolis, has bought an interest in the Elliott Film Co. of that city, and will be in charge of all sales. In addition to the Astor Pictures franchise, other independent product has been added.

New 20th-Fox Musical

HOLLYWOOD, Aug. 28.—Plans have been set by 20th Century-Fox for a high budget musical, "Yankee Doodle Goes to Plattsburg." The story, by Delmar Daves and Robert Hopkins, concerns life in an army training camp. Lou Edelman will produce from a screenplay by Daves.

Company Changes Name

ALBANY, Aug. 28. — Luporini and Variety Film Corp., New York, has changed its name to Variety Film Distributors, and one new company has been chartered here, Hemisphere Films, Inc., New York, by John P. Austin, A. Lloyd Symington and J. Bateman Young.

Nichols, Ford Signed

HOLLYWOOD, Aug. 28.—Twentieth Century-Fox has signed Dudley Nichols to write and John Ford to direct "Rogue Male," from the novel by Geoffrey Household. Kenneth MacGowan is associate producer.

Providence Albee Reopens

PROVIDENCE, R. I., Aug. 28.—The RKO Albee theatre has reopened here after the Summer closing.

Off the Antenna

NBC and Mutual yesterday announced special programs to mark the anniversary of the declaration of war. On Tuesday NBC will present a full hour dramatization, starting at 10 P. M. over the Blue, of outstanding events of the first year of warfare, including the *Graf Spree* episode, the invasion of the lowlands, the Battle of France and the surrender in Compiegne forest. Over the Red at 11:30 P. M., NBC will present a roundtable discussion in a two-way hookup between Washington and New York of H. V. Kaltenborn, John Gunther, Lowell Thomas, John B. Kennedy, T. R. Ybarra, Baukhage, Earl Godwin and Major Gen. Stephen O. Fuqua.

Mutual's program will be heard at 10-11 P. M. on the eve of the anniversary, Labor Day. Raymond Gram Swing will be heard from New York; John Steele, London; Arthur Mann, London; Maj. Leonard H. Nason, Paul Schubert, Hans C. Adamson, New York; Sigrid Schultz, Berlin; Wythe Williams, New York; and Fulton Lewis, Jr., Washington. The CBS plans were reported in this column yesterday.

• • •

Station Notes: *WRNL will become the Richmond, Va., outlet for NBC-Blue Sunday, replacing WRTD. Commitments made for WRTD will be honored by WRNL. The station operates on 880 k.c. with 1,000 watts full time . . . WNEW has created a sports department to increase its coverage this Fall. The department is headed by Earl Harper. . . . WBNX is the first independent station to install the new Hammond "solovox" instruments. . . . WOV has received permission to broadcast test programs on a portable FM transmitter to determine the best location for the permanent installation of a 1,000-watt FM transmitter.*

• • •

The major networks will carry two speeches by President Roosevelt Labor Day, one from Chickamauga Dam and the other from Smoky Hill. Both talks have been classified as non-political and will be carried without charge.

• • •

With the air filled with demands for debates these days, Irving Caesar, president of the Songwriters' Protective Association, yesterday hurled the gauntlet at Broadcast Music, Inc., challenging BMI officials to a debate before "advertising managers of American industries, executives of advertising agencies and, as representatives of the public, members of the FCC." Caesar said that he would prefer to have the debate broadcast but added that any auditorium large enough to accomodate the executives enumerated would do.

BMI, after mulling over the idea all afternoon, said they would make their decision known after Labor Day. Either the challenge will be accepted or BMI will reply to Caesar's charges in detail by letter, it was said. The dispute centers about the refusal of BMI to accept the SPA standard songwriters contract now used by other music publishers.

Theatre Changes

Several Reopen in Pennsylvania

PHILADELPHIA, Aug. 28.—The opening and reopening season in the territory is under way. Mr. and Mrs. Joseph Mashowski opened their new Larksville, Larksville, Pa., and Atlantic Theatres, Inc., local independent circuit, added the new Grove, Pennsgrove, N. J. Norman Lewis and Abe Rovner opened the renovated Girard here, Walter Potamkin returning as house manager. At Allentown, the long-closed Cameo is getting a new front and box-office for opening next month. The Warner Hiway at Jenkintown, Pa., is being redecorated and improved for reopening soon.

Reopening Hartford House

HARTFORD, Conn., Aug. 28. — The Harris Brothers will reopen their 4,000-seat State Theatre soon with the Andrews Sisters and Joe Breese and his orchestra as stage show headliners. Ted Harris will manage the house, which has been closed for the Summer.

Plans Buffalo Theatre

BUFFALO, Aug. 28.—Jacob Rappaport, operator of two community theatres here, will build a new $50,000 house, with 1,000 seating capacity. Construction will start in a few weeks and the theatre will be ready for opening. Jan. 1.

Buy Nebraska House

HAWARDEN, Ia., Aug. 28.—Jeannette Schoeneman of this city and Welton E. White, employed here the past few months, have bought a theatre at Wahoo, Neb., and White has left to operate it. Miss Schoeneman and White are to be married at her home here on Sept. 4 after which she will assist in the operation of the theatre.

Opens Theatre in Iowa

CRESCO, Ia., Aug. 28.—J. A. Tuchek has opened his new Mode Theatre here.

Reopens at Decorah, Ia.

DECORAH, Ia., Aug. 28.—H. Engbertson, owner and operator of the Lyric and Grand Theatres here, reopened his Grand Theatre after a complete remodeling and refurnishing.

Building Cincinnati Suburban

CINCINNATI, Aug. 28.—R. L. Fitzwater, who recently resigned as manager of the suburban Avon, will built a new 750-seat house in suburban Oakley, on which work is scheduled to start immediately.

Installs New Lighting

SWOYERVLLE, Pa., Aug. 28.—Frank W. Pepe, owner of the Roosevelt Theatre, has installed a new lighting system and murals.

CBS International Units Cost $300,000

Construction of the two new CBS 50,000 watt short wave transmitters recently authorized by the FCC will cost more than $300,000, the CBS engineering department stated yesterday. The transmitters will be built on property leased from the Mackay Radio & Telegraph Co. in Brentwood, L. I. Programs will be broadcast in seven languages with 13 frequencies used.

It was disclosed that WCBX during the year ending June 30, broadcast 4,577 hours of programs, an increase of 26 per cent over the previous year.

AFRA Convention Hears Reports Today

DENVER, Aug. 28.—With registration and examination of credentials over, the third annual convention of the American Federation of Radio Artists starts in earnest tomorrow. Featuring tomorrow's sessions will be the reports of Emily Holt, national executive secretary, as well as reports from the national field representative, treasurer and the 10 local branches.

Contracts with electrical transcription firms and networks to cover sustaining programs will be the principal issues discussed. Elections will take place Saturday, the last day of the meeting. Eddie Cantor is president.

Mexican Stations Face Labor Strike

MEXICO CITY, Aug. 28.—Operators of the six radio stations in Yucatan State face a strike threatened by the National Radio Workers' Union if they refuse to make new labor contracts entailing considerable increase in salaries.

Floating House Ends Run

CHARLESTOWN, Md., Aug. 28.—The floating theatre, which has furnished entertainment for riverfront towns in Maryland, Delaware, Virginia and the Carolinas, is having its final run of the season here this week and will then leave for a West River resort south of Annapolis, Md., where it is to be renovated for a motion picture theatre.

Form Radio Firm

ALBANY, Aug. 28.—Harlem Broadcasting Co., Inc., has been licensed to conduct a radio broadcasting business, incorporators being J. D. Gibson, M. L. Gibson and R. M. Jordan, New York.

Theatre to Radio

OMAHA, Aug. 28.—Orville Rennie, manager of Tri-States Theatres' Rivoli at Hastings, Neb., has resigned to become manager of Station KHAS, new station to be opened at Hastings Sept. 1.

Scoring 'U' Shorts

The first six Universal shorts of the 1940-'41 season are being scored this week at the Eastern Service Studios, with a 25-piece orchestra under the direction of Jack Schaindlin.

HOLD THAT LION!

"PRIDE AND PREJUDICE"

4th Week Radio City Music Hall!
(only three other pictures have ever done it!)

"I LOVE YOU AGAIN"

3d Week Capitol, N.Y., Cleveland, Seattle, San Francisco and 2nd Week in 27 first runs with Philadelphia and Des Moines playing two theatres day and date.

"BOOM TOWN" (Advanced Prices!)

3d Week in 7 out of 9 test engagements with Cincinnati continuing indefinitely. Imagine this! Booked prior to opening of engagements for two weeks at: *Rochester, Syracuse, Dayton, Providence, Louisville, Kansas City, St. Louis, Wilmington, Norfolk, Richmond, Baltimore, Toledo, Atlanta, Houston, Nashville, Dallas, San Antonio.* Booked for an indefinite run at Philadelphia and in two first-run theatres day and date in Seattle and Chicago.

FILE COPY

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 44 NEW YORK, U. S. A., FRIDAY, AUGUST 30, 1940 TEN CENTS

Television in Color Jan. 1, CBS Reveals

Needs Only Attachment, Says Paul Kesten

Paul W. Kesten, vice-president of Columbia Broadcasting System announced yesterday that color television is now commercially feasible at hardly any greater cost than black and white and that CBS expects to make it ready for commercial use by Jan. 1.

The system long regarded by engineers as impossible, can be used over the standard wave band now used for black and white and requires only an attachment on present receivers. Kesten described the color and definition as of high quality. The invention will be made available to manufacturers.

Invented by Dr. Peter C. Goldmark, CBS chief television engineer,

(*Continued on page* 5)

Coast Flashes

HOLLYWOOD, Aug. 29.—Gradwell L. Sears, Warners' general sales manager, arrived today by plane for conferences on forthcoming product. S. Charles Einfeld, advertising and publicity director, will accompany him when he returns to New York next week.

•

The industry's contribution to the American Red Cross and Allied Relief Fund locally has totaled $440,416, Samuel Goldwyn, drive chairman, disclosed today.

•

Crane Wilbur has been appointed producer-editor of the "Big Town" radio show which will start its fourth year on CBS Oct. 9 with Edward G. Robinson and Ona Munson continuing in the leads.

•

James R. Grainger, Republic president, arrived today from Oklahoma City for a quarterly sales meeting with H. J. Yates, M. J. Siegel and West Coast franchise holders.

No Paper Monday

Motion Picture Daily **will not be published on Monday, Sept. 2, Labor Day.**

Jackson, Arnold Approve Consent Pact in Principle

Government's 'War' With 'Big 5' Now Ended, But Just Beginning with Small Exhibitors Who Will Open Battle at U. S. Hearings

By SAM SHAIN

U. S. Attorney General Robert H. Jackson and Thurman Arnold, assistant Attorney General, have approved the proposed consent decree in principle, it was learned last night, and so the "war" is over between the Government and the Big 5. But a new "war" between the Government and the small exhibitors is just starting.

Phraseology of the consent decree has to be settled and this may take some time.

On Tuesday the battle between the Government and the small exhibitor will begin to boom at the public hearing on the decree which has been set in Washington for all those who have in writing complained to the Department of Justice about the proposed consent decree provisions.

The distributors will assume a neutral course in this Washington battle.

At this hearing, the Government will hear protests from large and small exhibitors against the proposed decree. Under the tentative form agreed upon, the Big 5 will obtain an absolute and automatic escape from the selling and trade showing provisions of the decree, as Sidney R. Kent and Barney Balaban insisted upon, should Universal, Columbia and United Artists not be included among the signatories to the provisions at the end of nine months

(*Continued on page* 5)

Para. Will Continue 32-36 Films Policy Through 1941-'42

Paramount will continue through 1941-'2 its policy of producing only 32 to 36 features per season and of apportioning to those productions budgets which will aggregate as much as the studio formerly spent on 52 to 60 pictures annually, Y. Frank Freeman, vice-president and studio head, said yesterday. He left for the Coast last night at the conclusion of five days of production conferences with home office executives.

Y. Frank Freeman

Preparation for the 1941-'42 production schedule is being worked on now, said Freeman, with several pictures already being planned. He revealed

(*Continued on page* 5)

Milwaukee Singles Plan Is Abandoned

MILWAUKEE, Aug. 29.—Plans for a return to single features in Milwaukee County are definitely off as a result of the refusal by H. J. Mirisch, operator of the Oriental and Tower, de luxe neighborhood houses, to go along on the proposal.

According to Harry Perlewitz, business manager of the I.T.P.A. of Wisconsin, all but one of the county's 72 houses had been won over to the plan, which was slated to become effective Sept. 3.

Mirisch withdrew from the agreement on the ground that it would be contrary to Government rules.

Few Fall Reopenings Set For New York Territory

With comparatively few theatres in the local territory having been closed for the Summer, the usual heavy schedule of Fall reopenings is not apparent this year. All the major circuits report full operation.

RKO had eight houses dark during the Summer, all of which were reopened earlier this month. One exception is the Kent in Trenton, N. J., which will be demolished after Labor Day to make way for a new theatre. Loew's reports full operation of all units of the circuit with the exception of one, the Hollywood, Manhattan, which has been closed about a year.

All Skouras houses remained open during the Summer while Brandt had four closed, each of which is scheduled for reopening shortly. These are the Clifton and Park, Manhattan, and the Elton and Electra, Brooklyn.

About five resort theatres on Long Island of the Prudential & Playhouses Operating Co. are expected to shut down when the cold weather sets in. Also slated to close for the Winter are three Walter Reade units in Asbury Park, the Lyric, Ocean and Paramount. Another Reade house, the Warren, in Hudson, N. Y., will reopen Labor Day after being idle a year.

Consolidated Amusement Enterprises has three theatres in the Bronx ready for reopening after the Summer shutdown. These are the Fleetwood, Ascot and Forum. Century Circuit had all theatres operating during the Summer. The Farragut of that circuit is now closed for alterations, however, and will reopen shortly. The Downtown National Theatre, Manhattan, has reopened.

'Pastor Hall' Opens At Globe Sept. 13

"Pastor Hall," a James Roosevelt picture, based upon the life of the Rev. Martin Niemoeller, German minister who was persecuted by the Nazis, will be presented at the Globe Theatre on Broadway beginning Sept. 13. The theatre, a Harry Brandt house, will close down on Friday to permit preparations for a special gala opening. The picture is released by United Artists. It has been the subject of much interest wherever it has been shown so far.

More War Films Now Than in World War I

When the first World War began in 1914 there were only two American pictures scheduled on the subject of war, there were none in 1915-'16, eight in 1916-'17. But in 1917-'18, with the U. S. engaged, there were 23 war films among 89 leading pictures, or 26 per cent.

In September, 1939, when World War II started, 43 films of the usual 500 announced had war themes, nearly 10 per cent. As the film year progressed the total rose to almost 100.

Grosses Strong as Temperature Cools

Continued cool weather brought strong grosses along Broadway with holdovers drawing good business. "Young People" with a stage show at the Roxy brought an estimated $40,000 but could not be held because "He Stayed for Breakfast" was booked to open there today.

"Pride and Prejudice" with a stage show at the Music Hall drew an estimated $98,000 for its third week. Also strong was "The Sea Hawk" with Phil Spitalny's band on the stage at the Strand with an estimated $40,000 for its third week. The second week of "I Love You Again" at the Capitol was good for an estimated $39,500. At the Astor "Gone With the Wind" continued its steady upward climb of the past six weeks with an estimated $12,000 for its 36th week.

Gold and Schlaifer To Coast on 'Thief'

Harry L. Gold and L. J. Schlaifer, United Artists vice presidents and general sales managers, and Steven Pallos, assistant to Alexander Korda, will leave for the Coast by plane today to confer with Korda on sales plans for "The Thief of Bagdad."

Gold and Schlaifer may remain on the Coast for discussions with Charles Chaplin on sales policy for "The Great Dictator." Maurice Silverstone, United Artists chief executive, will go to the Coast in about a week to participate in the Chaplin conferences.

Lindy's
INC.
RESTAURANTS

1626 BROADWAY 1655
(Next to the Rivoli Theatre) (51st Street Corner)

For over 20 years the luncheon and dinner place for Motion Picture People

Sole agents in New York for FAMOUS
BLUM'S ALMONDETTES
from
San Francisco, California

Personal Mention

EDWARD P. CURTIS, sales manager of the motion picture division of Eastman Kodak Co., is vacationing in Maine.

•

Sidney R. Kent, president of 20th Century-Fox, returned to the Thousand Islands last night.

•

Leonard Goldenson and Sam Dembow, Paramount home office theatre executives, are due in New York today from business meetings in Chicago and Detroit.

•

Ben Miggins, European manager for 20th Century-Fox, has returned to New York from the Coast.

•

Bill Pine is expected in New York from the Coast today with Robert M. Gillham, Paramount advertising and publicity director.

•

P. A. McGuire, International Projector Corp. advertising manager, has returned from Buffalo where he attended the 50th anniversary banquet of operators' Local 10.

•

Joseph Moskowitz, Nate Spingold, Joseph Pincus and Jack Goetz lunching at Lindy's (51st St.) yesterday.

•

Mrs. Robert E. Arvin, wife of the traffic manager at Columbia's Indianapolis branch won $1,000 in an old sayings contest conducted by the *Indianapolis News*. Her mother, Mrs. Nell Klingman, was secretary to Will Hays years ago when he was an attorney in Terre Haute.

•

Walter Selden of the Hollywood staff of Quigley Publications, arrived by plane today to attend the funeral of his aunt, Alice L. Seligsberg, prominent Jewish social worker.

•

Benjamin Jennings, sales manager for Agfa Ansco, is back from a vacation in Bar Harbor, Me.

CECIL B. DeMILLE is vacationing aboard E. V. Richards' yacht off Manteo, N. C. He will return to the Coast in a few weeks.

•

Walter J. Hutchinson, foreign sales manager of 20th Century-Fox, is due from the Coast on Tuesday.

•

Al Rosenberg, Washington State manager for Hamrick-Evergreen, cleaned up $10,500 when two of his horses placed first and third in the feature at the Longacres track near Seattle.

•

William B. Morgan, manager in France for 20th Century-Fox, is expected tomorrow from Europe on the *Exochorda*.

•

Marvin Schenck, John Wright, Eugene Picker and Arthur Silverstone at Lindy's (next to the Rivoli) yesterday for lunch.

•

Sam Clark, Warner exploitation man, is here from the Coast to work on the "Knute Rockne—All American" campaign.

•

William F. Rodgers, William Orr, Joseph Bernhard, Arthur Mayer, George Skouras, George Weltner and Ed Saunders lunching at Nick's Hunting Room in the Astor yesterday.

•

Harry Buxbaum, Joseph Lee, Nat Karson, Arthur Loew, Dave Blum, Jack Kirkland, Vernon Duke, Sidney Phillips and Jimmy Savo lunched yesterday at Sardi's.

•

Max Weisfeldt, Terry Ramsaye, Fred McConnell, Walter Futter, James Cron, Armand Denis, Morris Kinzler, Rube Jackter and William Fitelson at the Tavern yesterday for lunch.

•

C. S. Ashcraft has just completed a six-week business tour of the country.

Petrillo Is Stayed In Musicians' Fight

James C. Petrillo, American Federation of Musicians' president, yesterday was stayed until Sept. 5 by N. Y. Supreme Court Justice Ferdinand Pecora from enforcement of his order banning all instrumentalists from the screen, radio, stage or concert hall unless they joined the A.F.M. On Sept. 5 a hearing to determine whether a temporary injunction should be issued will be held before Justice Carroll G. Walter.

The suit was instituted by Lawrence Tibbett, as president of the American Guild of Musical Artists, and 11 other concert and opera artists who joined him as plaintiffs. AGMA attorneys asserted that Petrillo's ruling would be "a death sentence for all members of AGMA." Justice Pecora urged that an effort be made to settle the dispute.

20th-Fox Dividend

The board of directors of 20th Century-Fox yesterday declared a third quarter dividend of 37½ cents per share on the outstanding preferred stock, payable Sept. 30 to stockholders of record Sept. 16.

RKO Closes Deal With W. B. Circuit

RKO yesterday closed a new season product deal with the Warner circuit, culminating negotiations which have extended over the past several months. The deal is for 359 theatres. Negotiations were handled by A. W. Smith, Jr., RKO general sales manager, and Clayton Bond of Warners.

"The completion of the deal with the Warner circuit," said Ned E. Depinet, RKO vice-president and distribution head, "rounds out the greater part of our circuit selling for the new season and gives the company its most successful record in years at this stage."

'Boom Town' Starts 8-City Regular Run

With "Boom Town" starting its national release today, following a series of engagements at advanced admission scales, the film yesterday began regular runs in eight key cities and will open today in 14 others, including Washington, Kansas City, Houston, Richmond, St. Louis, Atlanta, Norfolk, Buffalo, Akron, Memphis, Wilmington, Nashville, Columbus and San Francisco.

Newsreel Parade

THE newsreels are strictly on the serious side this week as a substantial portion of each issue is devoted to the war, either directly or indirectly. Shown are the arrival of the refugee ship, American Legion; the registration of aliens, defense items and various other significant events. Weekend reels include:

MOVIETONE NEWS, No. 102—U. S. registers aliens. *American Legion* arrives. Mississippi cotton crops protected. Britain evacuates children. King George meets boy farmers. Kitchen utensils for war use in England. Food stuffs arrive in London. Big guns in mass production here. Test new guns in Washington. Water skiing at Nassau. Girl skating star at the World's Fair. Lew Lehr.

NEWS OF THE DAY, No. 300—Refugee ship arrives. King George with children sheltered on farms. Defense forces drill in England. Alien registration. U. S. and Canadian defense board meets. Gun production rushed. Fall fashions. Parachute wedding. Water skiing. Football practice at Fordham.

PARAMOUNT NEWS, No. 1—Refugees arrive on *American Legion*. British children in Massachusetts. U. S. defense committee meets with Canadians. Torpedo boats tested in Bayonne. Army arsenal rushes new guns. Non-citizens register here. McNary delivers acceptance speech. Nassau natives welcome the Windsors. Senate in night session on conscription. New York couple weds in parachutes.

RKO PATHE NEWS, No. 1—U. S. and Canadian defense board in Ottawa; LaGuardia discusses war program. McNary accepts nomination. *American Legion* arrives. Army speeds gun output. Gene Tunney attacks Youth Congress. Surfboard carnival in Honolulu. Dog derby in Australia.

UNIVERSAL NEWSREEL, No. 906—Knudsen inspects plane plant in Washington. Army arsenal turning out big guns. Rush canvas tents for Army use. Test new machine gun in California. Registration of aliens begins. U. S.-Canada defense board meets. Refugee ship arrives. British children evacuated. Baby parade in New Jersey. Atlantic City trolleys have hostesses. Fordham football players in training.

Mrs. Rosa Baier Dies

Kansas City, Aug. 29.—Mrs. Rosa Baier, 42, manager and partner with her husband in the operation of the Lindbergh Theatre, died here after an illness of six months. With her husband, Abe Baier, Mrs. Baier in 1926 built the Bagdad, Kansas City neighborhood, and later constructed the Lindbergh. Besides the husband, two daughters, five sisters, and three brothers survive.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c

THE NATION

Meets

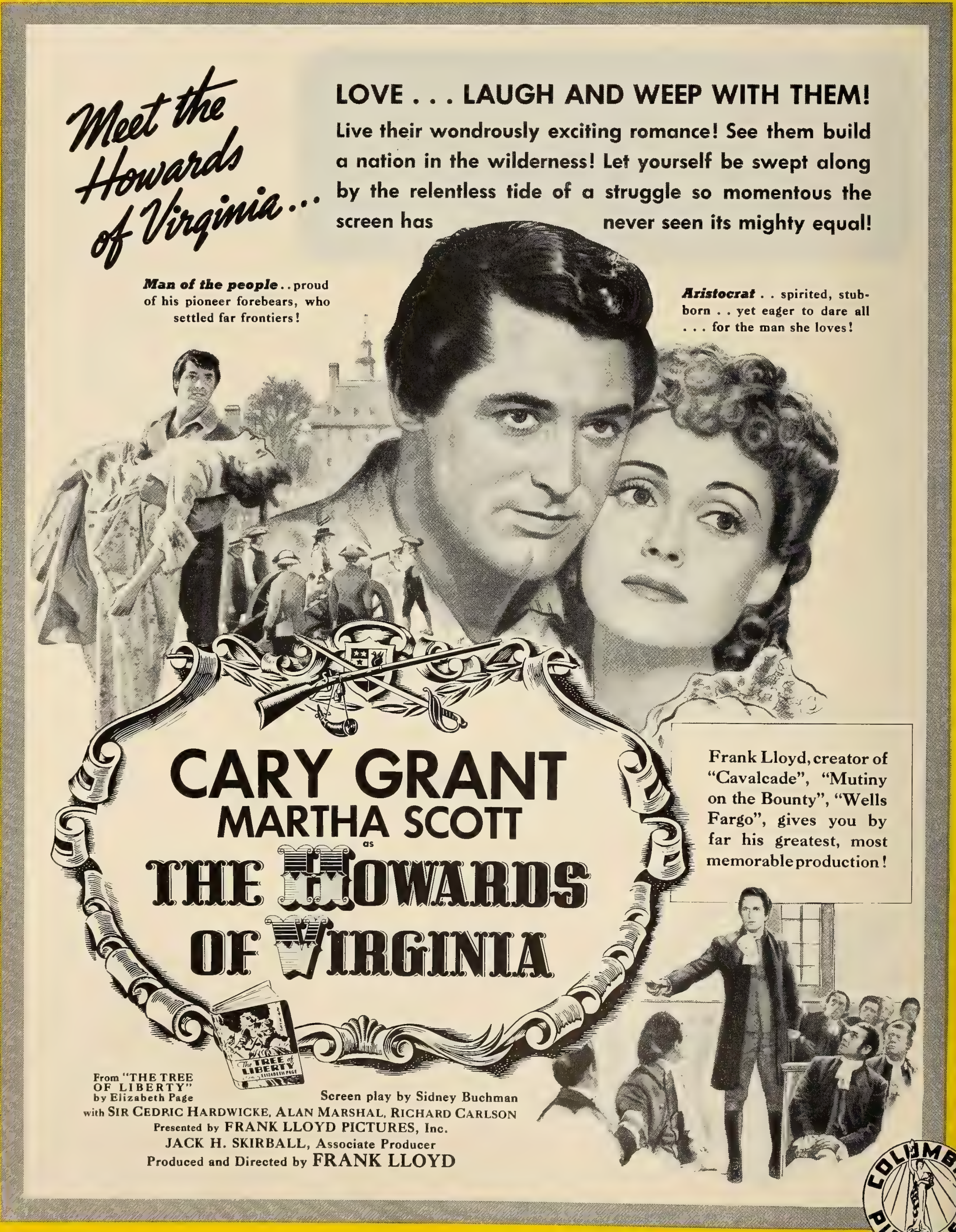
THE HOWARDS OF VIRGINIA

SEPTEMBER 19th

(General Release Date)

Virginia is looking forward eagerly to Columbia's world premiere of "THE HOWARDS OF VIRGINIA", which will take place September 4th at three Richmond theatres simultaneously, the Byrd, the State and the Westhampton. Never before has an attraction played a triple day-and-date engagement in Richmond. After this pre-release premiere, the picture will continue at all three houses for an extended run.

DESTINED TO MAKE SCREEN HISTORY WORTHY OF THE TREMENDOUS BACKGROUND THAT INSPIRED IT!



Meet the Howards of Virginia . . .

LOVE . . . LAUGH AND WEEP WITH THEM!

Live their wondrously exciting romance! See them build a nation in the wilderness! Let yourself be swept along by the relentless tide of a struggle so momentous the screen has never seen its mighty equal!

Man of the people . . proud of his pioneer forebears, who settled far frontiers!

Aristocrat . . spirited, stubborn . . yet eager to dare all . . . for the man she loves!

CARY GRANT
MARTHA SCOTT
as
THE HOWARDS OF VIRGINIA

Frank Lloyd, creator of "Cavalcade", "Mutiny on the Bounty", "Wells Fargo", gives you by far his greatest, most memorable production!

From "THE TREE OF LIBERTY"
by Elizabeth Page

Screen play by Sidney Buchman
with SIR CEDRIC HARDWICKE, ALAN MARSHAL, RICHARD CARLSON
Presented by FRANK LLOYD PICTURES, Inc.
JACK H. SKIRBALL, Associate Producer
Produced and Directed by FRANK LLOYD

COLUMBIA PICTURES

PRINTED IN U.S.A.

U.S. Officials Approve Pact In Principle

(Continued from page 1)

after the effective date of the decree.

It is upon the selling provisions that the exhibitors at Washington will concentrate their heavy fire, namely selling pictures in blocks of five, supplemented by trade showings.

Many of the protesting exhibitors will gather in Washington on Monday so as to be on hand early at the hearings on the next day.

It will be strenuously urged by the independent exhibitors, according to some of their spokesmen, that a substitute provision be put into the consent decree which will provide for the sale of pictures in block with liberal cancellation privileges.

However, some exhibitors fear that since the Government has already made up its mind for peace with the distributors, their arguments will not get the fullest consideration. One prominent exhibitor stated yesterday that if he was convinced such was the case, he was going to immediately attempt to intervene in the Federal Court proceedings and present the arguments to the judge and invite others to join with him.

Thus, Tuesday may be the zero hour for exhibitors with regard to the consent decree, he stated.

Spokesmen for independent exhibitors at the hearing will contend that the distributors have all the advantage under the proposed decree. They fear that in each block, their argument will show, there may be put one or two good pictures and three or four poor ones, and that in order to get the good pictures the exhibitor will be forced to buy poor pictures without any right to cancel.

These spokesmen reveal that it will be further argued at the hearing that the little exhibitor will have to travel to the exchange centers approximately 12 times a year in order to view all the trade showings. This will take him away from his business and add expensive traveling costs to his operating overhead which, it will be argued, he can ill afford to bear.

Attorneys Meet with U. S. on Arbitration

James Hayes and Robert Sher, special assistants to the U. S. Attorney General, met at the Bar Association Building yesterday with representatives of the five consenting companies and discussed rules and methods of arbitration for inclusion in the decree. The meeting was largely exploratory, however, and no formal agreements will be sought until officials of the American Arbitration Association are available for another meeting some time next week.

It was learned yesterday that should the Government carry out its announced intention of going to trial against Columbia, United Artists and Universal, trial of the action could not be expected to begin before next Spring. An entirely new Government complaint will have to be filed eliminating the five consenting companies and all portions of the original complaint which relate to affiliated theatre ownership and operation.

G. O. P. Premiere

Rushville, Ind., Aug. 29.—The Republican party will have a "world premiere."

The picture is a three-reel, 40-minute film showing scenes on the farms of Wendell Willkie near here and of the Oregon farm of Charles L. McNary, vice-presidential nominee. The premiere will be held here early in September, and no admission will be charged. The Republican National Committee is sponsoring the film, which will be released nationally.

The complaint would have to be confined entirely to sales practices of the three smaller companies and all of the preliminaries to trial, such as answers, bills of particulars and miscellaneous motions relating to these, would have to be prepared anew.

Trial of the suit would be expected to last about three months, it was said.

The five consenting companies reaffirmed an agreement made last June when the current decree negotiations were begun that any franchise deals closed by them after June 1 last, would be subject to the terms of whatever final decree is agreed upon.

The action, presumably, was requested by the Government when it learned that circuit operators in all sections of the country are endeavoring to close franchise deals as product "insurance" against the possibility of an uncertain supply should the decree be accepted with the block-of-five sales proposal. Universal and Columbia, which are not affected by the decree, are reported to have closed a number of long term deals.

Cassil Hearing Is Delayed to Sept. 16

KANSAS CITY, Aug. 29.—The preliminary hearing on the suit of Eugenia and Frank Cassil of the Rialto, St. Joseph, Mo., against major distributors and the Dubinsky Brothers circuit, has been postponed to Sept. 16. The Cassils are suing for almost $500,000 under the anti-trust laws.

'Love Again' Takes $13,500 in St. Louis

ST. LOUIS, Aug. 29.—The Stanley Again" continued to do strong business in its second week at the Loew's State, grossing $13,500.

Estimated takings for week ending Aug. 22:

"I Love You Again" (M-G-M)
"We Who Are Young" (M-G-M)
LOEW'S STATE—(3,162) (28c-39c-56c) 7 days, 2nd week. Gross: $13,500. (Average, $13,000)
"Young People" (20th-Fox)
"River's End" (W.B.)
FOX—(5,038) (28c-39c-56c) 7 days. Gross: $6,500. (Average, $11,000)
"Queen of Destiny" (RKO)
"Lady in Question" (Col.)
AMBASSADOR—(3,018) (28c-39c-56c) 7 days. Gross: $9,000. (Average, $11,500)
"Return of Frank James" (20th-Fox)
"The Man I Married" (20th-Fox)
MISSOURI—(3,514) (28c-39c-56c) 7 days. Gross: $4,500. (Average, $4,000)

Wanger Film in Ottawa

OTTAWA, Aug. 29.—The Walter Wanger-United Artists picture, "Foreign Correspondent," had its Canadian premiere at the Elgin Theatre here tonight. Wanger, here for the opening, will return to New York on Tuesday.

German Clips Stay, Says de Rochemont

Portions of "Baptism of Fire," German film, will remain in "The Ramparts We Watch" despite the protests of the German Embassy, it was said yesterday by Louis de Rochement, producer of the March of Time-RKO picture. The disputed portions were purchased from Ufa.

Rochemont issued a statement saying:

"At a press conference this afternoon the spokesman of the German Embassy stated that 'The March of Time' has no property rights in the Nazi film 'Baptism of Fire,' referring to its use in our feature production, 'The Ramparts We Watch.'

"It would be superfluous for me to add anything to what Americans already know about the Nazi conceptions of property rights or the interpretation which they have given to their conceptions of these property rights in the countries they have looted.

"I can only say that the 'Baptism of Fire' sequence is in our picture, and will be shown as an integral part of it wherever 'The Ramparts We Watch' is exhibited from now on."

Para. Will Continue 32-36 Films Policy

(Continued from page 1)

that B. G. De Sylva will make two pictures for Paramount's 1941-'42 schedule, one with Bob Hope and another with Bing Crosby. De Sylva will leave for the Coast in November and begin on the first in January.

Of the minimum of 32 films for 1940-'41, Freeman said, 14 have been completed and four are before the cameras, with four more slated to go into production within the next three weeks.

Freeman said that while it is too early to forecast the success of Paramount's production policy, the management is convinced that the operating revenue formerly derived from foreign markets must be recovered in the domestic market in the future. To do this, they believe, pictures will have to be better.

In this connection, Freeman stated that Paramount has no rigid budget restrictions on any production. An individual picture's budget, he said, is determined by various factors.

'Love You' at Good $21,000, Pittsburgh

PITTSBURGH, Aug. 29.—The Stanley grossed a big $21,000 for "I Love You Again." "Pride and Prejudice" at the Warner took $5,500 in the second week.

Estimated takings for the week ending Aug. 22:

"The Lady in Question" (Col.)
ALVIN—(1800) (28c-39c-55c) 6 days. Gross: $4,500. (Average, 7 days, $6,000)
"Sandy Is a Lady" (Univ.)
"Love, Honor, and Oh Baby" (Univ.)
FULTON—(1,700) (25c-44c) 9 days. Gross: $3,900. (Average, 7 days, $4,000)
"Captain Caution" (U. A.)
LOEW'S PENN—(3,400) (28c-39c-55c) 7 days. Gross: $8,500. (Average, $13,000)
"They Drive by Night" (W. B.)
RITZ—(800) (28c-39c-55c) 7 days, 3rd week. Gross: $2,700. (Average, $4,000)
"I Love You Again" (M-G-M)
STANLEY—(3,600) (28c-39c-55c) 7 days. Gross: $21,000. (Average, $13,000)
"Pride and Prejudice" (M-G-M)
WARNER—(2,000) (28c-39c-55c) 7 days, 2nd week. Gross: $5,500. (Average, $5,000)

Television in Color Jan. 1, CBS Reveals

(Continued from page 1)

the system was demonstrated privately to FCC Chairman James L. Fly yesterday and will have a public showing at CBS next Wednesday. Although the unit used for the demonstration to Fly was over wires, it was disclosed that an actual broadcast in color was successfully transmitted the day before. This broadcast was the first picture transmission over the CBS station, and was received by a number of sets in this area as black and white images.

The system requires only one camera at the pickup point, one transmitter and a receiver with only a single cathode ray tube of convention design. Heretofore it generally has been believed that three separate pickup and receiving channels would be required for color and that such wide band made it impractical at present. Definition used was of 343-line quality but Dr. Goldmark said that the number of lines would soon be brought between 400-500 lines, the definition used for black and white.

'Lady,' Stage Show Is Baltimore High

BALTIMORE, Aug. 29.—"The Lady in Question" and a stage show at the Hippodrome drew $16,000. "They Drive By Night" took $12,000 at the Stanley.

Estimated grosses for the week ending Aug. 22:

"The Great McGinty" (Para.)
KEITH'S—(2,406) (15c-28c-35c-55c) 7 days. Gross: $7,000. (Average, $9,000)
"I Love You Again" (M-G-M)
CENTURY—(3,000) (15c-28c-44c) 7 days. 2nd week. Gross: $8,500. (Average, $7,000)
"The Return of Frank James" (20th-Fox)
NEW—(1,581) (15c-28c-35c-55c) 7 rays. 2nd week. Gross: $5,000. (Average, $7,000)
"The Lady in Question" (Col.)
HIPPODROME—(2,205) (15c-28c-39c-44c-55c-66c) 7 days, vaudeville including Andrews Sisters. Gross: $16,000. (Average, $14,000)
"They Drive By Night" (W.B.)
STANLEY—(3,280) (15c-28c-39c-44c-55c) 7 days. Gross: $12,000. (Average, $12,000)

'Town' Gets $11,400, Indianapolis' High

INDIANAPOLIS, Aug. 29.—"Boom Town," in its second week, continued to lead the town and gave Loew's a powerful $11,400. "The Return of Frank James" gave the Indiana $8,100. The weather was cool.

Estimated takings for the week ending Aug. 23:

Walt Disney Festival (RKO)
CIRCLE—(2,800) (28c-33c-44c) 7 days. Gross: $5,200. (Average, $6,000)
"The Return of Frank James" (20th-Fox)
"Dr. Christian Meets the Women" (RKO)
INDIANA—(3,200) (28c-33c-44c) 7 days. Gross: $8,100. (Average, $5,500)
"Boom Town" (M-G-M)
LOEW'S—(2,800) (35c-44c-60c) 7 days. 2nd week. Gross: $11,400. (Average, $7,000)
"Girl from Avenue A" (20th-Fox)
LYRIC—(2,000) (28c-33c-44c) 7 days. Stage: Clyde McCoy Orchestra. Gross: $10,300. (Average, $8,000)

Rooney Gets Raise

LOS ANGELES, Aug. 29.—Mickey Rooney will receive $1,000 weekly for 40 weeks each year, plus a bonus of $25,000 per film, under a new contract submitted here today for Superior Court approval.

'Pastor Hall' Big in Frisco At $10,000

SAN FRANCISCO, Aug. 29.—"Return of Frank James" and "Girl From Avenue A" had a big $19,500 at the Fox. "Pastor Hall" drew a strong $10,000 at the United Artists, with business generally good around town. The weather was cool.

Estimated takings for the week ending Aug. 20-23:

"Anne of Windy Poplars" (RKO)

GOLDEN GATE—(2,850) (40c-50c-55c) 7 days. Stage: vaudeville. Gross: $10,500. (Average. $15,000)

"When the Daltons Rode" (Univ.)

"Blondie Has Servant Trouble" (Col.)

ORPHEUM—(2,440) (15c-35c-40c-50c) 7 days, 2nd week. Gross: $7,800. (Average, $8,000)

"Return of Frank James" (20th-Fox)

"Girl from Avenue A" (20th-Fox)

FOX—(5,000) (15c-35c-40c-50c) 7 days. Gross: $19,500. (Average, $16,000)

"The Great McGinty" (Para.)

"Pier 13" (20th-Fox)

PARAMOUNT—(2,740) (15c-35c-40c-50c) 7 days, 2nd week. Gross $10,000. (Average, $11,500)

"Pastor Hall" (U. A.)

UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days. Gross: $10,000. (Average, $8,000)

"All This, and Heaven Too" (W. B.)

ST. FRANCIS—(1,400) (15c-35c-40c-50c) 7 days. 2nd week. (Moved from Fox) Gross: $7,400. (Average, $6,000)

"I Love You Again" (M-G-M)

"Mystery Sea Raider" (Para.)

WARFIELD—(2,680) (15c-35c-40c-50c) 7 days, 2nd week. Gross· $10,500. (Average, $12,000)

"The Baker's Wife" (Foreign)

CLAY—(400) (15c-39c-44c-55c) 7 days, 9th week. Gross $1,200. (Average, $1,000)

'Anne,' Stage Show $14,800 in Buffalo

BUFFALO, Aug. 29.—Another healthy week found "Anne of Windy Poplars" recording a big $14,800 at the Twentieth Century, aided by Dixie Dunbar and a revue on the stage. At the Buffalo "I Love You Again" brought $16,000.

Estimated takings for the week ending Aug. 24:

"I Love You Again" (M-G-M)

BUFFALO—(3,489) (35c-40c-60c) 7 days. D'Artega and orchestral ensemble in Your Request, with Vincent Mattina, the Hansonettes, Bono and the Peerless Quartet. Gross: $16,000. (Average, $12,000)

"The Ramparts We Watch" (RKO)

"The Golden Fleecing" (M-G-M)

GREAT LAKES—(3,000) (35c-55c) 7 days. Gross: $7,000 (Average, $7,500)

"They Drive By Night" (W. B.)

"We Who Are Young" (M-G-M)

HIPPODROME—(2,100) (30c-40c) 7 days, 2nd week. Gross: $5,000. (Average, $6,800)

"Anne of Windy Poplars" (RKO)

TWENTIETH CENTURY—(3,000) (30c-35c-50c) 7 days. Dixie Dunbar and her Rhythmaires on stage, with Carol Rhodes, the Seven Fredysons, Don Rice and Company, Rags and Erwin Glucksman's Syncopators. Gross: $14,800. (Average, $7,500)

"The Lady in Question" (Col.)

"The Island of Doomed Men" (Col.)

LAFAYETTE—(3,000) (30c-40c) 7 days. Gross: $6,000. (Average, $6,300)

Pickets Are Enjoined

SCRANTON, Pa., Aug. 29.—Judge Will Leach of Lackawanna County Court has granted a temporary injunction to restrain CIO pickets from picketing Comerford theatres here after the Comerford counsel filed a bill in equity against the United Theatrical Alliance, Local 997, its officers and members. The circuit contends it has become involved in a union jurisdictional dispute.

Film Ticket Pass For English Curfew

London, Aug. 29.—The possession of a theatre ticket is being accepted in Hove, Sussex, as a passport to movement throughout the restricted area after curfew time. Local police in that town have intimated to exhibitors that patrons attending evening shows in the district will be allowed to re-enter the restricted area after 10 P. M. if they show the retained half of their admission ticket.

'Love' Cleveland Smash at $11,000

CLEVELAND, Aug. 29.—"I Love You Again," in its second week, gave Loew's Stillman the biggest week in two years, grossing $11,000. "Pride and Prejudice" had a good week at the State, drawing $13,500.

Estimated takings for the week ending Aug. 28:

ALLEN—(3,000) (33c-39c-47c) 7 days, 2nd week. Gross: $3,500. (Average, $4,000)

"Boys from Syracuse" (Univ.)

WARNERS' HIPPODROME — (3,800) (33c-39c-47c) 7 days. Gross. $9,000. (Average, $11,000)

"Lady in Question" (Col.)

RKO PALACE—(3,100) (33c-39c-47c) 7 days. Gross: $3,500. (Average, $9,500)

"Pride and Prejudice" (M-G-M)

LOEW'S STATE—(3,500) (33c-39c-47c) 7 days. Gross: $13,500. (Average, $11,000)

"I Love You Again" (M-G-M)

LOEW'S STILLMAN—(1,900) (33c-39c-47c) 7 days, 2nd week. Gross: $11,000. (Average, $4,000)

'Untamed,' Dorsey $27,000 in Detroit

DETROIT, Aug. 29.—"Untamed" plus Jimmy Dorsey's band and stage show with Bert Wheeler took $27,000 at the Michigan. The Fox took $21,000 with "The Return of Frank James" and "Charlie Chan at the Wax Museum."

Estimated takings for the week ending Aug. 22:

"The Boys from Syracuse" (Univ.)

"Girl from God's Country" (Rep.)

ADAMS—(1,600) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)

"New Moon" (M-G-M)

"A Bill of Divorcement" (RKO)

FISHER—(2,700) (15c-50c) 7 days. Gross: $6,000. (Average, $7,000)

"The Return of Frank James" (20th-Fox)

"Charlie Chan at the Wax Museum" (20th-Fox)

FOX—(5,000) (15c-55c-65c) 7 days. Gross: $21,000. (Average, $15,000)

"Untamed" (Para.)

MICHIGAN—(4,000) (15c-55c-65c) 7 days. Stage: Jimmy Dorsey band and Bert Wheeler. Gross: $27,000. (Average, $12,000)

"I Love You Again" (M-G-M)

"Gold Rush Maisie" (M-G-M)

PALMS — (2,000) (15c-39c-55c) 7 days. Gross: $6,500. (Average, $7,000)

Robinson Gets Scroll

HOLLYWOOD, Aug. 29.—Edward G. Robinson has received a scroll citing him for his work in Warners' "Dr. Ehrlich's Magic Bullet" from the Mexican Assistance Center for Sick Unfortunates, Mexican physicians' society.

Delay ITO Meeting

COLUMBUS, O., Aug. 29.—The meeting of the board of directors of the I.T.O. of Ohio, scheduled for tomorrow, has been postponed by P. J. Wood, secretary, until next Thursday.

'James' Pulls Good $6,500, Seattle Top

SEATTLE, Aug. 29.—"The Return of Frank James" at the Paramount Theatre was top grosser in a mediocre week here, taking $6,500. Other houses without exception were below average.

Estimated takings for the week ending Aug. 23:

"Mystery Sea Raider" (Para.)

"Pier 13" (20th-Fox)

BLUE MOUSE—(950) (30c-40c-50c) 7 days, 2nd week. Gross: $2,900. (Average, $4,000)

"I Love You Again" (M-G-M)

"The Way of All Flesh" (Para.)

FIFTH AVENUE—(2500) (30c-40c-50c-65c) 7 days, 2nd week. Gross: $6,500. (Average, $7,000)

"The Lady in Question" (Col.)

"Gentleman from Arizona" (Col.)

LIBERTY—(1800) (30c-40c-50c-65c) 7 days. Gross: $3,900. (Average, $5,000)

"Queen of Destiny" (RKO)

MUSIC BOX—(950) (30c-40c-50c-65c) 7 days. Gross: $3,300. (Average, $4,000)

"The Ramparts We Watch" (RKO)

"Golden Fleecing" (M-G-M)

ORPHEUM—(2450) (30c-40c-50c) 7 days. Gross: $5,700. (Average, $6,000)

"My Love Came Back" (W. B.)

PALOMAR—(1500) (30c-40c-50c) 7 days. Vaudeville headed by Eddie Stanely & Penny Gill. Grass: $4,800. (Average, $5,000)

"Return of Frank James" (20th-Fox)

"Golden Gloves" (Para.)

PARAMOUNT—(3050) (30c-40c-50c) 7 days. Gross: $6,500. (Average, $6,000)

'McGinty' at $7,800 High in Providence

PROVIDENCE, Aug. 29.—"The Great McGinty" and "Three Faces West," paired at the Strand, gave that house $7,800, the only above-average gross.

Estimated takings for the week ending Aug. 21-22:

"Captain Caution" (U.A.)

"Babies for Sale" (Col.)

LOEW'S STATE—(3,232) (28c-39c-50c) 7 days. Gross: $7,600. (Average, $11,000)

"The Return of Frank James" (20th-Fox)

"Anne of Windy Poplars" (RKO)

MAJESTIC—(2,250) (28c-39c-50c) 7 days Gross: $5,900. (Average, $7,000)

"The Great McGinty" (Para.)

"Three Faces West" (Repub.)

STRAND — (2,200) (28c-39c-50c) 7 days. Gross: $7,800. (Average, $6,000)

"Crashing Through" (Mono.)

"Orphans of the North" (Mono.)

FAY'S—(1,800) (15c-28c) 7 days. Gross: $2,100. (Average, $2,500)

"I Love You Again" (M-G-M)

"Out West With the Peppers" (Col.)

CARLTON—(1,526) (28c-39c-50c) 8 days, 2nd week. Gross: $3,300. (7-day average, $3,500)

"New Moon" (M-G-M) (3 days)

"The Saint Takes Over" (RKO) (3 days)

"Maryland" (20th-Fox) (4 days)

"Phantom Raiders" (M-G-M) (4 days)

EMPIRE — (2,200) (20c-28c) 2nd run. Gross: $1,500. (Average, $1,700)

'Love Again' Gets Big $8,400, Omaha

OMAHA, Aug. 29.—"I Love You Again" drew a fine $8,400 at the Omaha and was held for a second week. "All This, And Heaven Too," at popular prices, was good for $5,300 at the Brandeis.

Estimated takings for the week ending Aug. 22-23:

"All This And Heaven Too" (W. B.)

BRANDEIS—(1,200) (30c-40c-44c) 7 days. Gross: $5,300. (Average, $4,000)

"I Love You Again" (M-G-M)

"Sporting Blood" (M-G-M)

OMAHA—(2,000) (30c-44c) 7 days. Gross: $8,400. (Average, $6,000)

"Return of Frank James" (20th-Fox)

"We Who Are Young" (M-G-M)

ORPHEUM—(3,000) (30c-44c) 7 days. Gross: $7,100. (Average, $7,200)

Managers in Session

KANSAS CITY, Aug. 29.—The managers for Baker Enterprises met with George Baker here to discuss Fall plans, and then to participate in the Variety Club picnic at Ivanhoe.

'Bus,' Tucker Band $20,000 Leads Boston

BOSTON, Aug. 29.—Return of cool weather restored local houses. The Keith Boston opened its Fall presentation policy with Orrin Tucker's orchestra and Bonnie Baker, and "Wildcat Bus" on the screen, to take $20,000. "South of Pago Pago" and "Gold Rush Maisie" drew $18,500 and $14,600 at Loew's Orpheum and State, respectively.

Estimated takings for the week ending Aug. 23:

"Wildcat Bus" (RKO)

KEITH BOSTON—(3,200) (25c-40c-55c-65c) 7 days. Orrin Tucker orchestra, Bonnie Baker on stage. Gross: $20.000. (Average, $8,000)

"Return of Frank James (20th-Fox)

"The Man I Married" (20th-Fox)

KEITH MEMORIAL — (2,907) (25c-35c-40c-55c) 7 days. Gross: $14,500. (Average, $16,000)

"Young People" (20th-Fox)

"River's End (Para.)

METROPOLITAN — (4,367) (25c-35c-40c-55c) 7 days. Gross: $13,200. (Average, $15,500)

"The Great McGinty" (Para.)

"Scatterbrain (Rep.)

PARAMOUNT — (1,797) (25c-35c-40c-55c) 7 days. Gross: $8,800. (Average, $7,500)

"The Great McGinty" (Para.)

"Scatterbrain" (Rep.)

FENWAY — (1,320) (25c-35c-40c-55c) 7 days. Gross: $5,500. (Average, $4,500)

"Turnabout" (Roach)

"Mystery Sea Raider" (Para.)

SCOLLAY — (2,500) (25c-35c-40c-55c) 7 days. Gross: $3,500. (Average, $4,000)

"South of Paga Pago" (U. A.)

"Gold Rush Maisie" (M-G-M)

LOEW'S STATE — (3,000) (25c-35c-40c-55c) 7 days. Gross: $14,600. (Average, $12,000)

"South of Pago Pago" (U. A.)

"Gold Rush Maisie" (M-G-M)

LOEW'S ORPHEUM — (2,900) (25c-35c-40c-55c) 7 days. Gross: $18,500. (Average, $17,500)

'Heaven' at $8,200 Scores in Montreal

MONTREAL, Aug. 29. — "All This, and Heaven Too" rang up $8,200 in its second week at Loew's and was held for a third week. The Orpheum reopened after remodeling and "Turnabout" grossed $4,600.

Estimated takings for the week ending Aug. 23:

"I Married a Nazi" (20th-Fox)

"Sailor's Lady" (20th-Fox)

CAPITOL—2,547) (25c-40c-55c-65c) 7 days. Gross: $5,800. (Average, $8,000)

"All This, and Heaven Too" (W. B.)

LOEW'S—(2,800) (30c-50c-60c) 7 days, 2nd week. Gross: $8,200. (Average, $8,000)

"Turnabout" (U. A.)

"Mutiny in the Big House"

ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $4,600. (Average, $5,000)

"The Boys from Syracuse" (Univ.)

PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $6,000. (Average, $9,000)

"A Bill of Divorcement" (RKO)

"Cross Country Romance" (RKO)

PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $4,000. (Average, $5,000)

Rob Wisconsin Houses

MILWAUKEE, Aug. 29. — Robbers cracked the Rivoli Theatre safe in Two Rivers, Wis., and escaped with $486, while an unmasked gunman forced Leo Schuessler, manager of Warner's Majestic in Sheboygan to unlock the safe and escaped with $528.

Miss Hasso in Hollywood

HOLLYWOOD, Aug. 29. — Signe Hasso, Swedish screen star, has arrived on the Coast, where she is under contract to make seven films over a four-year period for RKO, after a 30-day trip from Sweden.

BOOMING

"BOOM TOWN!"

Nationwide Columnists Reaching Every Corner of America Write About it. Here are just two of the latest! Never such publicity! Your public is hungry for this mighty advanced-price sensation!

Below: Column appearing in N. Y. Daily Mirror and syndicated nationwide

Damon Runyon's

The Brighter Side

Reg. U. S. Pat. Off.

(Copyright, 1940 King Features Syndicate, Inc. Distributed by Int'l News Service.)

WE SAW A PREVIEW of a picture the other night to which we must tout our fellow cash customers of the movies. If it is not the best picture of the kind since "Cimarron," you can call us Ananias. The title is "Boomtown"

It was made by Metro and it features a million dollars worth of screen talent. It has everything in it but a message. It is offered strictly as entertainment, which is as it should be. On that principle, few pictures would ever miss. The cast includes Clark Gable, Spencer Tracy, Claudette Colbert, Frank Morgan and Hedy Lamarr

The latter is never going to challenge Helen Hayes or Tallulah Bankhead for histrionic honors, but, fellow customers, you know very well that Hedy can out-look all comers up there on that silver sheet. In this picture they have got her contesting with Claudette Colbert for the affections of Gable. Claudette wins out, and if we were not aware that a certain amount of sheer fantasy is permitted in a picture, we might challenge this incident as wholly improbable.

It would be unfair for us to reveal the details of "Boomtown" before it is publicly unveiled, but we feel justified in mentioning that once more Spencer Tracy does not get the girl. This is bound to increase the rancor in the bosoms of many of us cash customers of the movies against the movie makers. Spencer Tracy practically never gets the girl, especially when he is in a picture with Clark Gable. The latter is just a hog when it comes to the girls in any picture in which he appears.

NOW MANY OF US cash customers are not at all reconciled to this situation. We like Spencer Tracy. He is the greatest actor on the screen. In his pictures with Gable, he is usually the noble one. Yet Gable always walks off with the girl. In "Boomtown" Gable gets both Hedy Lamarr and Claudette Colbert and Tracy winds up with the morning line. Is that fair? Is that justice? We think not.

Allowing that, under some inexorable law of the movies, Gable is entitled to first grab at the girls, it would appear that Tracy should at least be permitted what is left, in this case Lamarr. It is true she does not love him and he does not love her, but an authentic Hedy Lamarr can always be used to brighten up a corner of the house. She is mighty decorative. Mightly decorative, folks.

What is there about Spencer Tracy, especially as weighed against Clark Gable, that prevents Tracy from ever getting the girl? He is just as good looking as Gable. He has just as much money. On the occasions when we have viewed him, in the pictures, coming to grips with the girl, we have observed nothing wrong with his technique.

MOREOVER, HIS INTENTIONS are invariably honest. You never can tell about Gable. That guy is a slicker. Often he means no good whatever to little Nell. We always leave a picture featuring Gable and Tracy, in which Gable gets the girl, with the uncomfortable feeling that Tracy would be far the better provider and the more steadfast in his affection.

There is a new face in "Boomtown" that you will probably see in many pictures in the future, and probably always in a similar role if Hollywood runs to casting form. A chap named Chill Wills plays a comedy character called "Harmony." The early locale of the picture is Burkburnett, in the oil fields of Texas, in 1919, and we are told that Wills made his debut as an entertainer in that town in that year, a harmony singer with a quartet.

WE WERE GREATLY INTERESTED in Wills because he gives such a fine performance in "Boomtown," and we sent Irving Hoffman out to dig up some dope on him. Irving returned with the info that Wills spent twenty years singing and doing monologues in vaudeville before he went to Hollywood. He has been off the stage for a couple of years.

The dog-days are supposed to be more or less blanks for us cash customers of the movies, yet we have had some right good pictures around New York lately with the promise of many nice things to come, including "Boomtown," "He Stayed for Breakfast" and others. Bill Powell and Myrna Loy have been bringing joy to the hearts of the attaches of the Capitol with "I Love You Again," which is superpowloy, if you will permit us to coin a word.

This is the greatest comedy team in pictures. By seven lengths.

BEST BETS OF THE WEEK

● Random Notes About Pictures You're Seeing: Employing half the stars on the Metro lot, "BOOM TOWN" simply had to be a success. And that's exactly what it turned out to be: A box office natural if ever we saw one. Here are Clark Gable, Spencer Tracy, Claudette Colbert, Hedy LaMarr and Frank Morgan in a hard-hitting yarn, shrewdly written and brilliantly produced. "BOOM TOWN" is a big picture, combining cast and story in what turns out to be socko entertainment. It is recommended to you without hesitation, and you'll say the same thing to your neighbor...

CLAUDETTE COLBERT

Goin' to Town
with
MARK HELLINGER

Above: Column appearing in N. Y. Journal-American and syndicated nationwide

NBC Shift to Video Channel Half Way Done

The work of shifting the NBC television transmitter to the new channel required by the FCC is midway toward completion, O. B. Hanson, vice-president and chief engineer, announced yesterday. Hanson, however, declined to set a date when the station would be ready to operate.

As has been reported, the National Television Systems Committee is meeting in an effort to obtain agreement on video standards. Hanson stated that NBC had given an estimate to the FCC of two months for the completion of the changeover to the new frequency and that work was progressing toward finishing the work on time. He emphasized, however, that it would be necessary to have field tests before the station was ready to resume programs. Preliminary tests on part of the equipment will be started within 10 days, Hanson said.

May Asks Field Tests

It is likely that the N.T.S.C. will ask NBC to conduct field tests on standards other than the network is now using to help determine which of the conflicting standards is most feasible, and it is understood that NBC may be willing to conduct such tests. Whether such tests would necessarily delay a program service by NBC is problematical, it was said. Hanson pointed out that some of the tests could be conducted during hours when the regular programs were not scheduled.

As previously reported, NBC will probably await some setting of standards by the N.T.S.C. before starting regular programs, although Hanson stated that any such policy was not within the province of the engineering department, and declined to comment on it.

Speculation on Delay

There is some speculation whether the FCC would permit NBC to defer start of its operations until Jan. 1, when the N.T.S.C. is expected to complete its study. Although the commission has repeatedly announced that it would not permit "squatters" on the television lanes, the FCC has expressed its desire to cooperate with the N.T.S.C., and if the delay is occasioned by the network's aid to the committee it is regarded as likely that the postponement of programs will be overlooked.

Don Lee to Make Quick Channel Shift

LOS ANGELES, Aug. 29.—The Don Lee television station, W2XAO, will shut down for only a few days to shift to the new channel, Don Lee, head of the network, said today. There is no intention to discontinue programs except for the short time required for the shift, he said.

Increased outdoor pickups are planned for the Fall and Winter, Lee said, and negotiations are now being conducted for rights to football games. Baseball games are now being telecast and programs total about 14½ hours weekly for the station. Lee declared that the 525-line image now being used is a pronounced success.

Off the Antenna

IN an independent survey conducted by Prof. H. B. Summers of Kansas State College, during which 9,001 house-to-house interviews were conducted in Iowa, it was revealed that the average given to radio is five times greater than that spent reading. The average daily radio listening time for women was placed at 4.04 hours and at 5.19 for men, while reading time was set at .77 hours for women and .81 for men.

Of those queried, 7,500 lived in radio homes and received daily newspapers. In answer to the questions: "Can you recall the name of any product which you saw or heard advertised yesterday in a daily newspaper? In a magazine? Over the radio?" The following percentages were recorded: On newspapers, 19.3 per cent for men and 21 per cent for women; on magazines, 11.6 for men, and 14.7 women; on radio, 51.9 men and 61.7 women.

• • •

Purely Personal: *Tom Flanagan, formerly with* Time *and Associated Press, is the new magazine editor in the CBS press department. . . . Jane Waring will be heard in "Who You Pushing, Brother?" over NBC-Red Saturday at 8 P.M. . . . Jerry Franken, of the PM radio staff, is substituting for Jack Shafer who is ill, as conductor of "Radio Beam" over WMCA Sundays at 9 P.M. . . . Al Cormier, formerly vice-president of Hearst Radio and manager of WINS, has joined the sales staff of WHN and will represent the station in Philadelphia.*

• • •

WORD, Spartanburg, S. C., will become the 121st affiliate of CBS Sunday. It is operated on 1,370 k.c. with 250 watts, full time.

• • •

NBC yesterday issued its new rate card, No. 27, which will become effective Sunday. The card includes all changes announced since Card No. 26 was issued last Fall and three new changes for KSTP, Minneapolis-St. Paul; WIS, Columbia, S. C.; and WFBC, Greenville, S. C. There have been 33 power and frequency improvements during the past year.

For the 24 stations on the basic Red hookup, the rate is $9,480 per evening hour. This rate does not include WLW and WSAI in Cincinnati, for which the rates are $1,080 and $240 respectively. KSTP, which has increased its power from 10,000 watts to 50,000, has increased its rate from $320 to $400. WIS is raised from $120 to $140 with WOLS, Florence, S. C. as a bonus station. On Oct. 1, WFBC will raise its rate from $120 to $140 with WOPI, Bristol, Tenn., and WKPT, Kingsport, Tenn., as bonus.

DuMont Tower Ready Next Week

DuMont Television progressed another step yesterday with the installation of the tower atop 515 Madison Ave. which will serve as an antenna. The tower is almost completed and should be ready by the end of next week. Members of the press were invited to view the work yesterday.

Annenberg Holdings Are Deeded to U. S.

MILWAUKEE, Wis., Aug. 29.—Mortgages on nine local properties, including the Oriental and Tower theatres, neighborhod houses, have been deeded by the M. L. A. Investment Co., to the U. S. government with the register of deeds here. The properties are owned by M. I. Annenberg, now serving a three-year prison term for income tax evasion, and the mortgages are believed to guarantee the payment of $8,000,000 Annenberg agreed to pay in settlement of civil claims when he was convicted in Chicago of evading $1,217,296 taxes on his 1936 income.

Firm Plans Showboats

CINCINNATI, Aug. 29.—The United States Circus Corp., has been incorporated here with a capital of $25,000 by George S. Houston, James Bonelli, and H. H. Southgate, to deal in amusement equipment. The company now is constructing a fleet of showboats and similar craft which it plans to lease to operating companies. Bonelli is completing a showboat, the "Cotton Blossom," to be opened next month at Covington, Ky.

New FCC Hearings Open Wednesday

WASHINGTON, Aug. 29.—The Federal Communications Commission will open its 1940-'41 hearings Wednesday with a hearing on the contesting applications of Stephenson, Edge & Korsmeyer and Helen L. Walton & Walter Bellatti for a new 1,150-kilocycle, 250-watt daytime broadcasting station at Jacksonville, Ill.

The commission has granted construction permits for three new stations to the Tribune Co., for a 940-kilocycle station at Tampa, Fla., with 1,000 watts power night, 5,000 day; Midwestern Broadcasting Co., for a 1,370-kilocycle, 250-watt station at Traverse City, Mich., and W. Montgomery Harrison for a 1,420-kilocycle, 250-watt station at Augusta, Ga.

It also authorized Stations WMBS, Uniontown, Pa., to change frequency from 1,420 to 590 kilocycles and increase power from 250 to 1,000 watts; KFBI, Wichita, Kan., to reduce night power from 5,000 to 1,000 watts and increase time to unlimited, and WLOK, Lima, O., to increase power from 100 to 250 watts.

Meyer Will Manage Station KYA, Frisco

SAN FRANCISCO, Aug. 29.—Harold H. Meyer, for five years manager of WSUN, St. Petersburg, Fla., and more recently sales director of New York Broadcasting System, Inc., has been named manager of KYA, Hearst station here. He succeeds Reiland Quinn, who remains in an advisory capacity. Meyer was accompanied west to KYA by E. M. Stoer, general manager of Hearst Radio in New York.

Metro Plans Radio Exploitation Series

M-G-M will embark on a new radio exploitation campaign for its films on Sept. 15, it was announced yesterday, with special quarter-hour recorded programs furnished free of charge to radio stations.

The transcriptions, which will be released twice monthly, will include a resume of the film, short dialogue scenes, comment about M-G-M pictures and personalities and, in the case of musicals, songs from the production. The recordings will be available as sustaining programs only and will be only 14½ minutes in length to permit station announcements. The transcriptions will be prepared in the Culver City studios.

First of the series will be "Strike Up the Band" and will feature Mickey Rooney, Judy Garland and Paul Whiteman and his orchestra. "Hullabaloo," "Little Nelly Kelly" and "Bitter Sweet" will follow.

20-Week Legitimate Season in Cincinnati

CINCINNATI, Aug. 29.—The local legitimate season, opening Oct. 10 with Gertrude Lawrence in "The Skylark" at the Taft, is headed for a 20-week stretch, compared with 14 weeks last year, according to Nelson G. Trowbridge, resident manager. Second attraction will be Tallulah Bankhead in "The Little Foxes," at the Cox.

Other productions thus far booked include: "Too Many Girls," "Life With Father," "Step This Way," "The Man Who Came to Dinner," "The Philadelphia Story," with Katharine Hepburn, and "There Shall Be No Night," with the Lunts. The Taft, larger of the two houses, normally is dark, and is used sporadically for legitimate attractions.

SAG Explains Trial On Threat Charges

HOLLYWOOD, Aug. 29.—Concerning the Sept. 4 trial by the Screen Actors Guild of two members on charges of attempted job extortion by violence and threats against casting directors, the Guild has issued a statement, which says in part:

"The Guild is not concerned officially with private quarrels, which its members may have with other persons. That ordinarily is a matter for the district attorney or the police but the guild is vitally concerned with the unfair distribution of picture jobs which may be occasioned by such tactics."

Settle Benefit Dispute

Dispute over the dissolution of a $17,000 death benefit fund of the American Federation of Actors has been settled in the N. Y. Supreme Court by an agreement to appoint three trustees to administer the fund and to make distribution in the death of AFA members.

No Action on Brown

WASHINGTON, Aug. 29.—The Senate Interstate Commerce Committee today adjourned until next week without acting upon the reappointment of Thad H. Brown to the FCC.

OUT NEXT WEEK

1940-41
INTERNATIONAL
MOTION
PICTURE
ALMANAC
QP
1940-41
INTERNATIONAL
MOTION
PICTURE
ALMANAC
QP
EDITED BY TERRY RAMSAYE

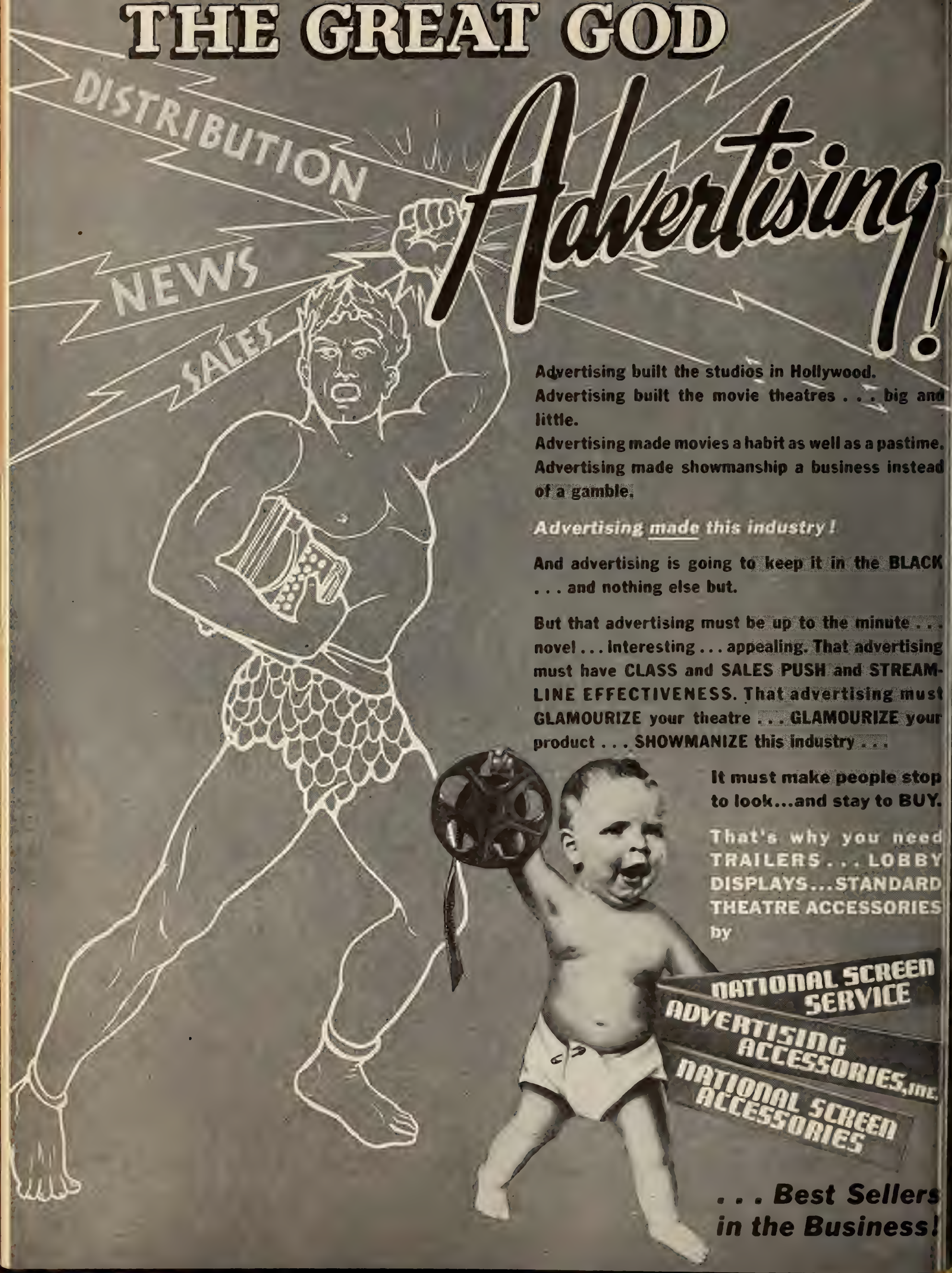
Edited by TERRY RAMSAYE

The presses are rolling, and next week new 1940-41 International Motion Picture Almanac will be ready for distribution. It will be the most exhaustive reference of the screen — complete, authoritative and right up-to-the-minute. The Who's Who section alone will include over 12,000 biographies of industry personnel; there will be 1,100 pages crammed with facts and figures covering every phase of the business, providing an abundance of industry information, all conveniently arranged and indexed for instant dependable use.

Every showman vitally needs the Motion Picture Almanac. If you haven't already reserved your copy, order it now!

Three Dollars the copy

QUIGLEY PUBLICATIONS
ROCKEFELLER CENTER NEW YORK



THE GREAT GOD *Advertising!*

Advertising built the studios in Hollywood.
Advertising built the movie theatres . . . big and little.
Advertising made movies a habit as well as a pastime.
Advertising made showmanship a business instead of a gamble.

Advertising made this industry!

And advertising is going to keep it in the BLACK . . . and nothing else but.

But that advertising must be up to the minute . . . novel . . . interesting . . . appealing. That advertising must have CLASS and SALES PUSH and STREAMLINE EFFECTIVENESS. That advertising must GLAMOURIZE your theatre . . . GLAMOURIZE your product . . . SHOWMANIZE this industry . . .

It must make people stop to look...and stay to BUY.

That's why you need TRAILERS . . . LOBBY DISPLAYS...STANDARD THEATRE ACCESSORIES by

NATIONAL SCREEN SERVICE
ADVERTISING ACCESSORIES, INC.
NATIONAL SCREEN ACCESSORIES

. . . Best Sellers in the Business!

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 45 NEW YORK, U. S. A., TUESDAY, SEPTEMBER 3, 1940 TEN CENTS

Urge Giveaway Programs Get Court Scrutiny

Bar Association Calls Such Action 'Wise'

By EDWARD GREIF

Calling for a clear cut legal definition of the status of giveaway radio programs such as "Pot o' Gold," "Mead's Bakery" and similar shows, the committee on communications of the American Bar Association in its annual report declares it would be "wise" to submit such programs to the scrutiny of the courts.

Giveaway programs have been the subject of protests by exhibitor organizations on the ground that they interfere with attendance at theatres. In many states giveaways or games are permitted when conducted by churches or charitable organizations but are banned in film houses.

The report calls attention to the fact that the Department of Justice has refused to prosecute sponsors of such programs despite the provisions of Sec. 316 of the Communications Act. The report adds that a court "decision will still be useful as leaving a clear issue—whether or not the public interest would be served by new legislation prohibiting such programs."

"The conclusion of the Department of Justice," the report says, "was ap-

(*Continued on page* 12)

CBS Declines Data Of Color Television

CBS over the weekend declined to make known the details of its invention to produce color television, which was revealed Thursday. It was explained that for competitive reasons technical data concerning the development will be withheld temporarily. It was stated, however, that Dr. Peter C. Goldmark, CBS chief engineer who invented the system, may reveal some of his methods tomorrow when color television will be demonstrated to the press.

On Friday, CBS issued a "clarifying statement" which explained the original announcement was not intended to mean that the network will start color television on Jan. 1. Pointing out that CBS does not manufacture television apparatus, it was said that "CBS does hope that Jan. 1 will see the beginning of, or at least substantial progress toward, the manufacture of such commercial equipment" by the manufacturers now in the field.

Accidental Plug

AN unusual and accidental plug for Universal's "Boys from Syracuse" was broadcast over a national CBS network the other day in a news commentary from London. The announcer, describing an air raid, said that he was at the Leicester Theatre, watching "The Boys from Syracuse" when the alarm sounded.

1940-41 Almanac To Appear Today

A total of 16,000 industry personalities are listed in the biographical section of the 1940-41 International Motion Picture Almanac, a Quigley publication, which will appear today.

Edited by Terry Ramsaye and compiled by the staffs of *Motion Picture Herald*, MOTION PICTURE DAILY, *Better Theatres* and *Fame*, this 12th annual edition of the industry's reference book contains five pounds of statistics and listings of the various phases of the industry's activities, in addition to the Who's Who section.

Hollywood raised to cast sheet prominence no fewer than 2,011 names, a 400 per cent increase in that category, while 3,021 players, writers and technicians were reduced to merely a reference line to prior editions of the Almanac. Last year 520 new names made necessary the reduction of 986 biographies. The average player's age is 34 years, the same as last year. The biographical data required some 920,000 words.

There are 57 division headings in the new book's 1,112 pages. In the vital statistics section of the Almanac is included the fact that the industry spent approximately $150,000,000, the same as last year, to give the patrons the 584 pictures produced and dis-

(*Continued on page* 9)

EXHIBITORS OPEN FIGHT ON DECREE

British Warned on Financing Pictures

LONDON, Sept. 2.—The British Government should not in the future assume direct financial responsibility for the production of feature films, it is recommended in the report of a Government-appointed Committee on National Expenditure.

The report, published late last week, advocated changes in the motion picture policy of the British Ministry of Information.

The committee likewise recommended that the Government should arrange for the distribution of those documentary films which are not of urgent importance on a commercial basis. It also was suggested that closer cooperation be developed and maintained between the British fighting forces and the Ministry of Information and the newsreels.

The Ministry of Information, it is suggested, should be consulted when any Government departments propose expenditure for pictures.

U. S. May Probe All Amusement Unions

WASHINGTON, Sept. 2.—The possibility of a sweeping investigation of unions in the entertainment field by the Department of Justice loomed over the weekend when it was revealed that complaints had been filed against the American Federation of Musicians. It was said that many complaints against unions, including Ascap, had been made to the Department and that a Federal inquiry might be made.

Voice Protest at Closed Justice Department Hearing Today

WASHINGTON, Sept. 2.—Exhibitor representatives from all parts of the country have gathered here to voice their protests against the pending Federal consent decree, already approved in principle by U. S. Attorney General Robert H. Jackson and Assistant Attorney General Thurman W. Arnold.

The hearing, which will be closed, will be held at the Department of Justice tomorrow morning and is scheduled to be concluded by the end of the day, unless unforeseen developments arise to prolong the hearings.

Exhibitor representatives withheld comment on the approval of the decree in principle by the Government authorities, explaining that they had no reason to believe that this approval would eliminate proper consideration of their views or act as a bar to possible changes in the decree.

Among those here who will attend today's hearing are: Ed Kuykendall, M.P.T.O.A. president, from Columbus, Miss.; Max Cohen, New York; Fred Wehrenberg, St. Louis; Oscar C. Lam, Rome, Ga.; Lewen Pizor, Philadelphia; H. V. Harvey, San Francisco; Morris Loewenstein, Oklahoma City, and William Crock-

(*Continued on page* 9)

Columbia Arranges 'Howards' Showings

Columbia will hold national trade screenings of "The Howards of Virginia," beginning today and continuing through Sept. 10. The scheduled screenings, first of which was held at the Astor, New York, last week, is as follows:

Sept. 3: Cleveland, Colony; Dallas, Melrose, and New Haven, Whitney. Sept. 4: Los Angeles, Fox Boulevard, and St. Louis, Ritz. Sept. 5: Seattle, Venetian. Sept. 6: Portland, Oriental. Sept. 8: Philadelphia, Carman, and Atlanta, Rialto.

Sept. 9: Kansas City, Edison Hall; Cincinnati, RKO Grand; Memphis, Linden Circle; Milwaukee, Tower; Pittsburgh, Rialto; Oklahoma City, State; Albany, Palace; Buffalo, Niagara; Des Moines, Orpheum, and Minneapolis, St. Louis Park. Sept. 10: Salt Lake City, Studio; Boston, Exeter St.; Chicago, Esquire; Denver, Broadway, and Tulsa, Ritz.

Des Moines Vote Shows Most Patrons Want Duals, Reverse of Gallup Poll

Des Moines, Sept. 2.—Des Moines theatre patrons prefer double features to single features, if the average results of a three-theatre poll just completed can be accepted as conclusive. However, a majority of the patrons of two of the three theatres voted for single features, the average result having been determined by the large margin in favor of duals at the third theatre.

The poll, taken in the Tri-States circuit's three first-run houses here, resulted in an average vote of 57.1 per cent for duals and 42.9 per cent for single feature programs, an almost exact reversal of the original Gallup poll on double features.

The vote by theatres was: Roosevelt (suburban): 76.3 per cent for single features, 23.6 per cent for duals; Paramount (downtown): 27.5 for single features, 72.5 for double features, and the Des Moines: 55.8 for singles and 44.2 for duals.

Personal Mention

FRANCIS HARMON, assistant to Will H. Hays, is expected to arrive from the Coast today following a four-week visit in Hollywood.

•

Robert L. Graham, assistant manager in Mexico for Paramount, and Mrs. Graham are the parents of a son, Michael, born in Mexico City Aug. 22.

•

Carlisle Barrett, Warner Theatres district manager in New Haven, now has a home in Madison, Conn.

•

Albert Poulton, operator of the New Colony, Sound View, Conn., is vacationing at Saratoga Springs.

•

Andre Heyman of the French Cinema Center has returned after a two-week motor tour through Canada.

•

Maurice Conners, manager of Warner's Frankford, Philadelphia, has moved over to the new Hiway at Jenkintown, Pa.

•

Howard Smith, salesman for 20th Century-Fox in the Harrisburg, Pa., territory, is the father of a son, David Phillip, the couple's third child.

•

Thomas N. Noble, Warner booker in Philadelphia, has returned from a vacation in the South.

•

Gertrude Hartman, bookkeeper for National Theatre Supply in Des Moines, was married over the weekend to Fred Keeley of St. Paul. Miss Hartman has been replaced by Olive Heifner.

•

O. W. Miller, salesman for Columbia in Des Moines, is the father of a daughter, Judith Elaine.

•

Joseph Acher, head booker for Warners in Des Moines, spent the weekend in Chicago.

•

Mary Kingsley has been named inspector for 20th Century-Fox in Des Moines, replacing Vera Davis, who has gone to California to live.

Fraser Quits Para. Foreign Ad Position

George Fraser has resigned as head of the foreign publicity and advertising department of Paramount.

Albert Deane, formerly director of foreign publicity and advertising, again will exercise general supervision over the department in addition to his present production and censorship duties, with Paul E. Ackerman, who has been in the department for the past seven years, assuming direct charge of foreign publicity and exploitation.

Roosevelt to Start On Pathe Lot Today

Hollywood, Sept. 2.—James Roosevelt returned Friday from New York where he arranged for the opening of "Pastor Hall" at the Globe, Sept. 13. He spent the weekend supervising the removal of his headquarters to the Pathe studio lot where he will start operations tomorrow.

Directors Request George Skouras To Stay as Head

The board of directors of Skouras Theatres Corp. on Friday refused to accept the resignation of George Skouras, president, following his indictment earlier in the day by a Federal Grand Jury on a charge of conspiring to bribe former Circuit Judge Martin T. Manton. The directors expressed full confidence in Skouras.

The alleged bribe was made in the form of a loan, it is charged, as an inducement for Manton's approval of a leasehold sale of the Academy of Music on 14th Street, Manhattan, to the Skouras circuit.

Skouras pleaded not guilty before Federal Judge Francis G. Caffey, who fixed bail at $2,500.

Corporation Indicted

The Academy of Music was one of the assets of the old Fox Theatres Corp., which was split up during receivership into various ownerships and operations. Operation of Fox Metropolitan Playhouses was divided between the Skouras circuit and Randforce Amusement Co. Louis Frisch and Samuel Rinzler, operate Randforce.

In addition to Skouras, indictments were returned by the Grand Jury against Skouras Theatres Corp., Ktima Corp., one-half of which is owned by Skouras Theatres, and Harvey B. Newins, real estate broker and a friend of Manton, who was the alleged go-between.

The indictment charges that on Jan. 11, 1937, Skouras made a purported loan of $30,000 to Manton and obtained in return the approval of his bid for $155,000 for a lease on the Academy of Music and a certain interest in the William Fox Realty Co., a subsidiary of Fox Theatres Corp.

The Fox Theatres receivership, Government authorities said Friday, had been investigated by U. S. Attorney John T. Cahill at the request of Federal Judge John C. Knox, who has before him the final report of Milton C. Weisman, receiver. Former Judge Manton is now serving a two-year sentence.

Skouras Issues Statement

A statement by George C. Vournas of Washington, and Arthur H. Schwartz, attorneys for Skouras, issued in his behalf, said:

"Mr. Skouras is innocent of this charge or of any wrongdoing whatsoever. He has fully cooperated with the governmental authorities, made available all records, corporate and personal, and has been subjected to questioning, without any claim of privilege or immunity, times without number.

"We are convinced that the ultimate outcome will vindicate Mr. Skouras' personal integrity."

The directors of Skouras Theatres Corp. issued the following statement: "The board of directors of Skouras Theatres Corp. held a meeting today, in view of the indictment found by the Federal Grand Jury against the corporation and its president, Mr. George P. Skouras.

"Mr. Skouras tendered his resignation to the board, which resignation the board declined and at the same time expressed full faith and confidence in Mr. Skouras."

A statement by Skouras himself said: "The statement my attorneys made this morning covers the situation. I wish to add that the vote of confidence expressed by the board of directors of Skouras Theatres Corp. will be amply justified by the ultimate outcome.

"I appeared before two different Grand Juries and they apparently saw fit to take no action, until the prosecuting attorney persisted to obtain his result by presenting only a portion of the case. I have no other choice than to await the public hearing of the basis for these charges. I regret only that until such time, all the details cannot be disclosed by either side."

S. I. Blackout

Patrons of film houses in six Staten Island towns, Stapleton, Clifton, Rosebank, Grassmere, New Dorp and Grant City, were left in darkness for about 15 minutes Friday night due to a general power failure. There was no disorder and patrons waited patiently for the power to resume.

Answers Filed by Universal, Schine

Buffalo, Sept. 2.—Answers to the Government's complaint in the anti-trust suit against the Schine circuit and major distributors were filed here on Saturday by Universal Pictures and the Schine companies.

The Universal answers deny violations of the Sherman Act charged by the Government and demand judgment dismissing the complaint.

The answers for the Schine companies also deny violations of the anti-trust laws and, setting up a separate defense, allege that the Government's complaint fails to state a claim upon which relief can be granted against the defendants in that it fails to state facts sufficient to constitute a cause of action. The answers also contend that the Federal court lacks jurisdiction in the case because the Government's complaint allegedly fails to set forth facts to prove that any of the defendant theatre companies are engaged in interstate commerce.

York Joins Goldwyn As Advertising Head

Hollywood, Sept. 2.—Gabe York joined Samuel Goldwyn Productions over the weekend as director of advertising and publicity. His first act was to charter three planes from American Airlines to transport Samuel Goldwyn, Gary Cooper and other stars and the press to Fort Worth for the premiere of "The Westerner," Sept. 19. Following the celebration, the party will fly to Dallas where a similar celebration has been arranged for the following day.

York was formerly head of the advertising advisory council of the M.P.P.D.A. here. He succeeded Jock Lawrence, who recently ended six years in Goldwyn's employ.

Erlanger Services Held

Funeral services for Mitchell L. Erlanger, 83, former president of the A. L. Erlanger Amusement Enterprises, operators of legitimate theatres and producers, were held yesterday at the Temple Emanu-El here. He was a former justice of the N. Y. Supreme Court.

Publicists at Odds Over Conscription

A sharp difference of opinion has arisen in the Eastern section of the Screen Publicists Guild concerning the action of the Guild on the conscription issue, it was learned over the weekend. Many of the members are incensed over a resolution of the representative council of the Guild calling upon the membership to write lette[illegible] to Senators, Congressmen and Pres[illegible]dent Roosevelt in opposition to conscription legislation.

The conscription issue was presented to a membership meeting, it was learned, but the general membership shelved it. Subsequently, the council met and took action opposing the legislation. A move is now on foot to amend the Guild constitution to prohibit any action by the Guild on political issues. In addition, an effort will be made at the membership meeting Thursday to reverse the action of the council.

Phila. Warner Club Headed by Blumberg

Philadelphia, Sept. 2.—The local Warner Club has elected Irving Blumberg as president for the new season. Other officers are: Martin Aninsman, vice-president in charge of entertainment; Joseph Feldman, vice-president in charge of welfare; Floyd Bretz, vice-president in charge of membership; Helen V. Mahoney, secretary; J. Ellis Shipman, treasurer; Joseph Feldman, chairman for contributions and loans.

The new board of governors includes: Henry Eytinge, George Campbell, Joseph Mazer, Henry Kahan, Maurice Gable, Al Cohen, Birk Binnard, Charles Moyer, Dorothy Burd, Ted Schlanger, David Weshner, A. J. Vanni and Jack Flynn.

Club Banquet Tonight

Philadelphia, Sept. 2.—The Philadelphia Variety Club tomorrow will hold its annual banquet in connection with the Showmen's Variety Jubilee, sponsoring the "Miss America" Beauty Pageant, at Hotel Traymore, Atlantic City. I. I. Altman, Metro talent scout; Vyvyan Donner, fashion editor of Fox Movietone News, and Vincent Trotta, Paramount art director, will judge the contest.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"BOOM TOWN" AMAZES!

Its wonders never cease! Here's a show that's so sure-fire they book it for 2 weeks just as a starter, *before it even opens!* Here are a few of the 2-week bookings, at advanced prices!

Rochester
Syracuse
Dayton
Providence
Louisville
Kansas City
St. Louis
Wilmington
Norfolk
Richmond

Baltimore
Toledo
Atlanta
Houston
Nashville
Dallas
San Antonio
Pittsburgh
Cleveland
Columbus

Held over 3rd week in 7 out of 9 test engagements. Every day new openings set new records! Booked for indefinite run in Philadelphia and in two first-run theatres day-and-date in Seattle and Chicago. And as we go to press—

4th WEEK IN CINCINNATI DOING 517 PERCENT OF NORMAL BUSINESS AND CONTINUES INDEFINITELY!

"MY 'BOOM TOWN' COSTUME!"
Mr. Exhibitor gets the biggest share of the "Boom Town" gusher!

RIGHT UP THE

OLD BOX OFFICE!

It's **LAUGH-POWER *plus* NAME-POWER**
to make **TICKET-SELLING POWER!**

It's *This* season's comedy hit!
It's *This* year's MONEY show!

FROM UNIVERSAL
FOR IMMEDIATE DATING!

UNIVERSAL *presents*

ROSALIND **RUSSELL** ★ BRIAN **AHERNE**
★ **VIRGINIA BRUCE**

in

Hired Wife

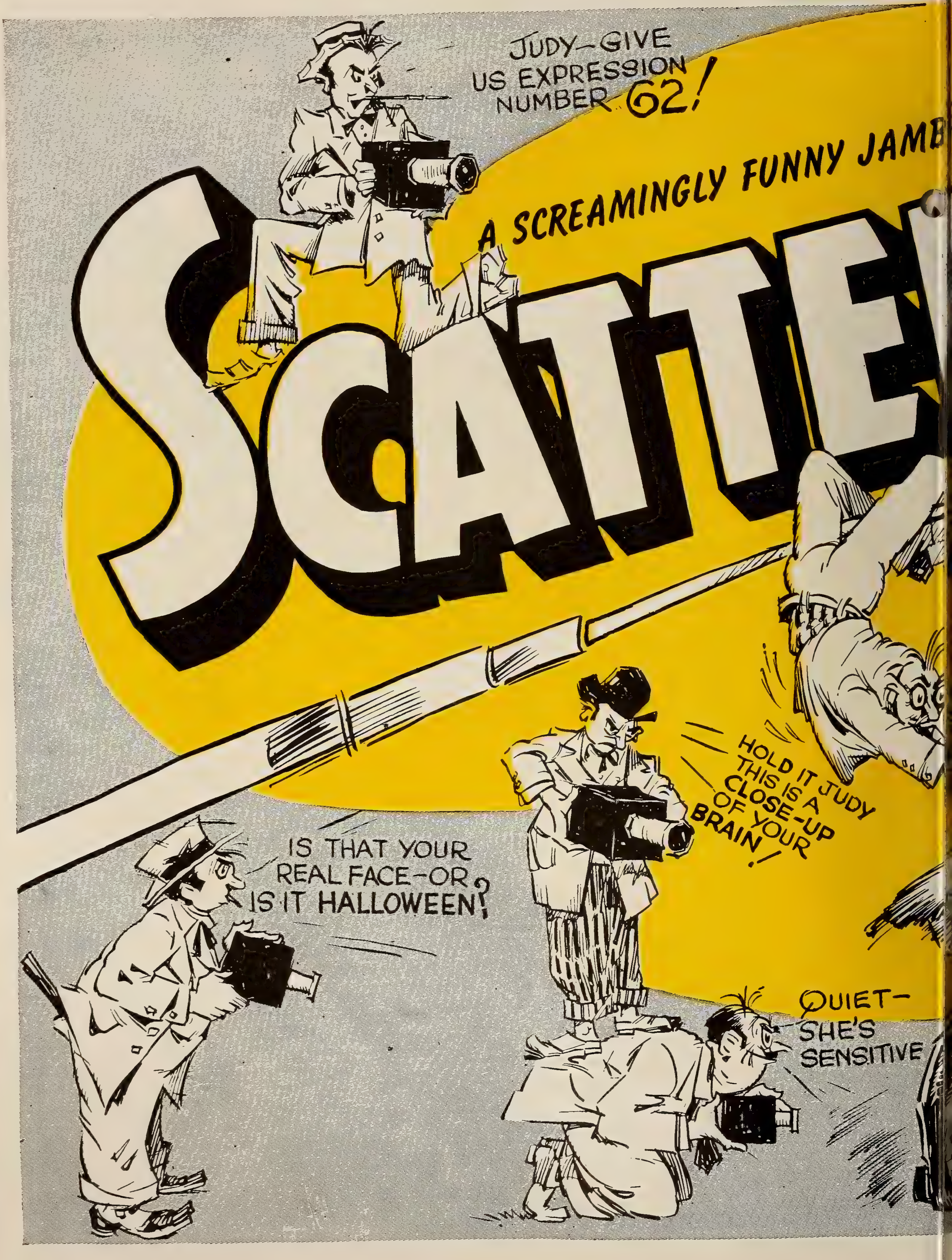
with

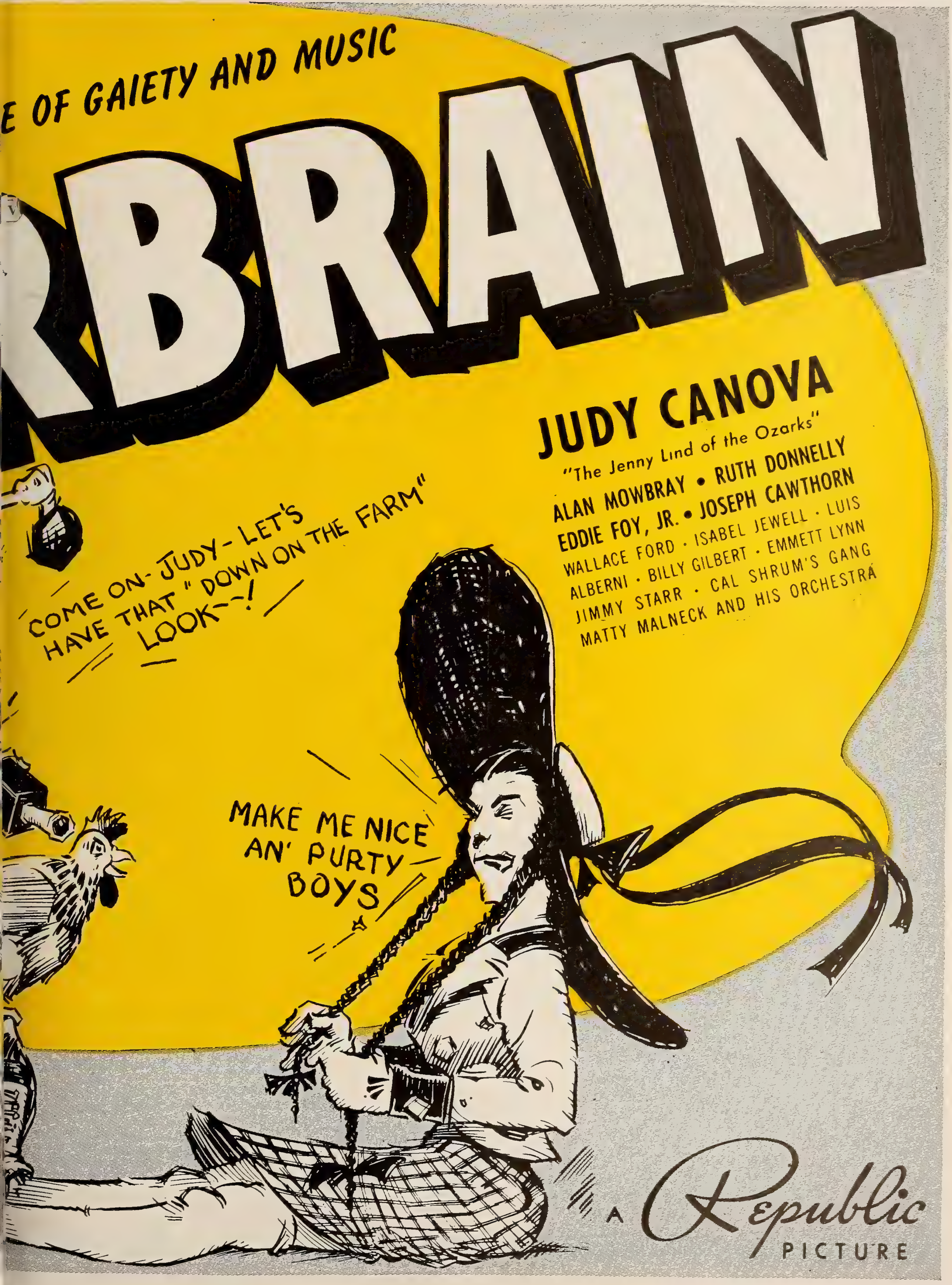
ROBERT ★ **BENCHLEY** ★ JOHN **CARROLL**

Hobart CAVANAUGH **Richard LANE**

Produced and Directed by **WILLIAM A. SEITER**
Based on an Original Story by George Beck
Screenplay by RICHARD CONNELL, GLADYS LEHMAN
Associate Producer: GLENN TRYON

NATIONAL RELEASE
SEPT. 13th


JUDY—GIVE US EXPRESSION NUMBER 62!
A SCREAMINGLY FUNNY JAMB
SCATTE
HOLD IT JUDY THIS IS A CLOSE-UP OF YOUR BRAIN!
IS THAT YOUR REAL FACE—OR IS IT HALLOWEEN?
QUIET—SHE'S SENSITIVE


E OF GAIETY AND MUSIC
RBRAIN
COME ON- JUDY- LET'S HAVE THAT "DOWN ON THE FARM" LOOK--!
MAKE ME NICE AN' PURTY BOYS

JUDY CANOVA

"The Jenny Lind of the Ozarks"

ALAN MOWBRAY • RUTH DONNELLY
EDDIE FOY, JR. • JOSEPH CAWTHORN
WALLACE FORD · ISABEL JEWELL · LUIS ALBERNI · BILLY GILBERT · EMMETT LYNN
JIMMY STARR · CAL SHRUM'S GANG
MATTY MALNECK AND HIS ORCHESTRA

A Republic PICTURE

Short Subject Reviews

"Buyer Beware"

(M-G-M)

The sale of stolen merchandise by retailers is the subject of a "Crime Does Not Pay" short of considerable interest. A typical case of such practice is pictured. A pseudo distributing company furnishes a druggist with stolen chemicals which, when sold to the public, cause several deaths. The clever operations of the police finally result in the capture of the offenders. The story is splendidly enacted by a competent cast. Running time, 20 mins.

"Romeo in Rhythm"

(M-G-M)

This is a travesty in cartoon on "Romeo and Juliet," produced skillfully by Hugh Harmon. It should add a bright touch to any program. The characters are crows which sing a few snappy tunes in Harlem jive fashion. Running time, 8 mins.

"Please Answer"

(M-G-M)

No. 3 in the "What's Your I. Q.?" quiz shorts, with Pete Smith directing the proceedings, this is novel and mildly intriguing. Diversified questions concern the Rosetta stone, vertebrae in the spine, a cow and a group of Roman senators. Running time, 9 mins.

"Good Bay Boys"

(M-G-M)

Our Gang again runs into difficulties. The trouble begins when Alfalfa is mistreated by his father. Thereafter he and the gang resolve to follow the footsteps of Jesse James and loot a house of junk which Spanky is employed to dispose of. The usual complications develop. Running time, 11 mins.

"The Capital City, Washington, D. C."

(M-G-M)

James A. FitzPatrick offers a comprehensive tour of official and historical Washington in this Traveltalk. The chief points of interest are visited while the off-screen commentator recites the history of each. The short, photographed in color, should prove interesting for all audiences. Running time, 9 mins.

Says Canada Gave Time German Print

OTTAWA, Sept. 2.—John Grierson, dominion film commissioner, revealed over the weekend that a print of the German film, "Baptism of Fire," which had been used by Germany for propaganda in Denmark and other neutral countries, had been turned over by his office to March of Time for inclusion in "The Ramparts We Watch."

Officials declined to state how the print came into Canada's possession. However, as enemy property it was seized by the official custodian and turned over to Grierson.

Showmanship Flashes

Several Tieups Set On Disney Festival

Various tieups arranged by RKO field men on the Walt Disney Festival included the following: In Kansas City, Robert Hickey made a tieup with the Coca-Cola Co., whereby every child attending the show was given a bottle of the beverage. In Ogden, Utah, T. Birdwell McCormick, with the cooperation of Ted Kirkmeyer of the Egyptian Theatre, put on a Disney character contest in front of the house. Besides the contest, which was plugged in the local newspaper and on the radio, a large float was used.

British Societies Aid "Queen of Destiny"

In connection with the showing of RKO's "The Queen of Destiny" at the Music Box Theatre in Seattle, Frederick Ford, RKO exploiteer, with the full support of the local British Consul, arranged for the direct sale of tickets to the picture to the city's British societies.

Mayors Cooperate On 'Town' Openings

M-G-M exploitation men arranged "Boom Town"' openings in various cities, notably Waterbury and Worcester, Mass; Hartford, Conn.; Columbus, O., and Harrisburg, Pa., in which the mayors set "Boom Town Day" or "Boom Town Week" in conjunction with the opening.

Issues Free Passes To Married Couples

PHILADELPHIA, Sept. 2.—The Capitol Theatre, for "We Who Are Young," issued free passes to all who married during the run.

Letters to Newlyweds Used for 'Partners'

PROVIDENCE, Sept. 2.—The RKO Albee here, of which George French is manager, sent congratulatory letters to all persons who took out marriage licenses here during the five days in advance of the opening of "Lucky Partners," enclosing a single ticket in the belief that the couples would be willing to buy the other ticket. The house also planted a "patron" on a cot in the lobby early on the morning of opening day, placarded, "I'm going to get the first ticket."

Lobby Phonograph Aids 'Rhythm on the River'

KANSAS CITY, Sept. 2.—For the advance promotion of "Rhythm on the River," Jerry Zigmond, manager of the Newman, promoted from the W-B Novelty Co. here a large record player for the Newman lobby, furnished with 20 Bing Crosby records, which include practically all the songs from the picture. The patron can press a button to play his own Crosby selection. When the machine is not playing a patron's selection, the ushers keep the machine operating.

'Get Your Man' Test Staged for 'Prejudice'

In Cleveland the readers of the *Plain Dealer* were asked to submit five rules on "How to Get Your Man" as part of the advance campaign on "Pride and Prejudice" at the State. The stunt was arranged by Joseph Longo, publicity head of Loew's Cleveland houses.

Designate Virginia Week to 'Howards'

Richmond, Sept. 2.—Gov. James H. Price has designated the week of Sept. 2 to 8 as "Rededication Week" in Virginia in conjunction with "The Howards of Virginia" world premiere here Sept. 4 at the Byrd, State and Westhampton theatres. The week will be set aside for patriotic events with many of the affairs built around the premiere.

Candy to Stimulate Interest in 'Dr. I. Q.'

To stimulate editors' interest on behalf of the appearance of radio's "Dr. I. Q." on the stage of the Broadway Capitol every Monday night, Benjamin H. Serkowich, publicity director of the theatre, sent to all editors a box of candy, "with the compliments of himself and Dr. I. Q.," designed to test their "S. Q." (sweets quota) and put them in the mood to write something about the theatre's attraction.

Stage Treasure Hunt As 'Boom Town' Plug

A "Boom Town" treasure hunt was staged in cooperation with the largest department store in Reading, Pa., by George Peters in connection with the opening of the film at Loew's Colonial. Entry blanks were distributed to everyone making a purchase at the store. The customers were asked to identify from stills the names of pictures in which the film's stars previously had appeared.

Truck Driver Contest Aids 'Drive by Night'

Seattle, Sept. 2.—In a tieup with the Seattle *Star*, Jack Sampson, advertising director of John Danz's Sterling circuit, conducted a contest to find Seattle's handsomest truck driver, in conjunction with "They Drive by Night" at the Palomar Theatre.

New 'Publicity Page' Developed by Metro

The M-G-M advertising and publicity department has prepared a "new season publicity" page, of standard newspaper size, for exhibitor use. The page features a Fall entertainment announcement.

Guest Book in Lobby Used for "Boom Town"

COLUMBUS, Sept. 2.—Russell M. Bovim, manager of Loew's Ohio, is doing advance exploitation on "Boom Town," which opens at that house Aug. 30, by having patrons register in a guest book now in the lobby, from which 20 names will later be selected at random. The persons selected will receive telegrams from the film's stars, and these, in turn, will serve as admissions during the engagement.

Rogers, Sack in Deal

Budd Rogers, vice-president and general manager of Alliance Films Corp., has arranged with Alfred Sack of Sack Amusement Enterprises for the distribution of the Alliance film, "The Outsider," in the Texas and Oklahoma territory.

Crying Room

Pawtucket, R. I., Sept. 2.—The new Darlton, 919-seat subsequent run house which will be opened in October by Currie & Harmon will have a special "crying room" for the benefit of women patrons with noisy youngsters. The compartment, an innovation in this area, will be partitioned off from the main auditorium with plate glass.

Five New Picture Firms Chartered

ALBANY, Sept. 2.—Five new film companies chartered here include: The Drive-In Theatres Corp., Albany, by Harry, Neil and Nettie Hellman; Clinton Playhouse, Inc., New York, by Charles Steiner, Mark I. Finklestein and Mitchell Levinsky; Phoenix Theatres, Inc., New York, by Irving Winter, Philip Weiss and Grace Phillips; G. & B. Theatre, Inc., Brooklyn, by Jacob D. Levit, Hyman Borman and Estelle Tobin; and Olda, Inc., New York, by David Klinger, Howard A. Seitz and Sanford H. Bolz.

Para. Will Release Superman Cartoons

A series of cartoons starring Superman, comic strip figure, will be produced by Max Fleischer for Paramount release. The first is expected to be ready about Christmas.

Paramount acquired the rights from Harry Donenfeld, president of Superman, Inc. The character is syndicated in 182 newspapers, various magazines and is the star of a radio program.

Award to O'Brien

Pat O'Brien will be this year's recipient of the annual Helm Athletic Foundation trophy for his performance in "Knute Rockne—All American." The award will be presented tomorrow at the football luncheon of the Cooperative Club of Los Angeles at the Hotel Biltmore.

Newman in Hollywood

Robert Newman, former Broadway producer, is in Hollywood to discuss with Frederick Hazlett Brennan, author, the latter's play, "Let Me Call You Comrade," which satirizes totalitarianism, and in which one or two film companies recently evinced interest.

Union Asks 10% Raise

CHICAGO, Sept. 2.—Negotiations for a new projectionists' contract between the Allied group and the union have been set for this month. The union seeks a 10 per cent wage increase and two weeks' vacation with pay.

'Rockne' in 3 Houses

The premiere of Warners' "Knute Rockne—All American" will be held simultaneously in three South Bend theatres, the Colfax, Palace and the Granada, on Oct. 4.

C. W. Stiles Dies

MEMPHIS, Tenn., Sept. 2.—C. W. Stiles, 43, projectionist at the Strand here, died last week.

'Love You' Smash $14,500, Cincinnati

CINCINNATI, Sept. 2.—"I Love You Again," the inaugural feature at the new RKO Grand, pulled a powerful $14,500. "He Stayed for Breakfast" did $12,500 at the RKO Palace, and "Boom Town" pulled $8,500 in its third week at the RKO Capitol. Cooler weather was a business stimulant.

Estimated takings for the week ending Aug. 28-30:

"The Return of Frank James" (20th-Fox)
RKO ALBEE—(3,300), 33c-40c-50c, 7 days. Gross: $10,500. (Average, $12,000).
"He Stayed for Breakfast" (Col.)
RKO PALACE—(2,700), 33c-40c-50c, 7 days. Gross: $10,500. (Average, $10,000.)
"They Drive by Night" (W. B.)
RKO SCHUBERT—(2,150), 33c-40c-50c, 7 days. 2nd week. Gross: $3,900. (Average, $6,500.)
"BoomTown" (M-G-M)
RKO CAPITOL—(2,000), 42c-60c, 7 days. 3rd week. Gross: $8,500. (Average, at 33c-40c-50c, $6,500.)
"I Love You Again" (M-G-M)
RKO GRAND—(1,500), 33c-40c-50c, 7 days. Gross: $14,500. (Average not established.)
"The Boys from Syracuse" (M-G-M)
RKO LYRIC—(1,400), 28c-33c-42c, 7 days. Gross: $3,200. (Average, $5,000.)
"Treachery on the High Seas" (Film Alliance)
"Cross Country Romance" (RKO)
RKO FAMILY—(1,444), 15c-28c, 4 days. Gross: $1,400. (Average, $1,500.)
"Manhattan Heartbeat" (20th-Fox)
"Dr. Christian Meets the Woman" (RKO)
RKO FAMILY—15c-28c, 3 days. Gross: $800. (Average, $900.)
"Gold Rush Maisie" (M-G-M)
KEITH'S — (1,500), 33c-40c-50c, 7 days. Gross: $3,800. (Average, $6,000.)

'Sandy,' Kaye Band $13,400, Milwaukee

MILWAUKEE, Sept. 2.—Best grosser in a week of almost daily rains was Sammy Kaye and his orchestra at the Riverside with "Sandy Is a Lady," taking $13,400. "Flowing Gold" and "Private Affairs" took $6,500 at the Warner.

Estimated takings for the week end Aug. 29-30:

"Sandy Is a Lady" (Univ.)
RIVERSIDE—(2,700) (33c-44c-55c), 7 days. Stage: Sammy Kaye. Gross: $13,400. (Average, $6,500.)
"The Man I Married" (20th-Fox)
"Sporting Blood" (M-G-M)
"The Lady in Question" (Col.)
"Lucky Cisco Kid" (20th-Fox)
STRAND—(1,400) (20c-40c-55c), 2-5 days. Gross: $1,200. (Average, $1,500.)
"Flowing Gold" (W. B.)
"Private Affairs" (Univ.)
WARNER—(2,400) (30c-40c-55c), 7 days. Gross: $6,500. (Average, $4,500.)
"The Return of Frank James" (20th-Fox)
"The Girl from Avenue A" (20th-Fox)
WISCONSIN—(3,200) (30c-40c-55c), 7 days. Gross: $6,000. (Average, $5,500.)
"Comin' Round the Mountain" (Para.)
"The Great McGinty" (Para.)
PALACE—(2,400) (30c-40c-55c), 7 days. Gross: $4,400. (Average, $4,000.)

Talk Distribution of Red Cross Feature

First completed print of the revised "Land of Liberty," which the industry plans to distribute and exhibit for the benefit of the American Red Cross about two months hence, arrived in New York from the Coast late last week.

The running time of the revised picture has been cut to 90 minutes. It will be shown to prospective major distributors this week and a national distribution arrangement for the film, at cost, may be set by the end of the week.

The M.P.P.D.A. is sponsoring the film with Francis Harmon of that organization in charge of its preparation.

Feature Reviews

"Dr. Kildare Goes Home"

(M-G-M)

HOLLYWOOD, Sept. 2.—The affairs of young Dr. Kildare and his intimates come in for some adjustment at this point in the series due to the graduation of the interne and his acceptance of a post as hospital staff doctor. Experiences encountered this time include a somewhat different variety of incidents.

Dr. Kildare's first act following appointment is to visit his father, an upstate practicioner, whom he finds in ill health due to overwork occasioned by a shift in population which has caused other doctors to leave the community. Enlisting the cooperation of three other young doctors and aided by his mentor, Dr. Gillespie, young Kildare sets out to establish a clinic in the community, operating on a 10 cents-per-week-per-citizen plan, meets with prejudiced opposition which he finally overrides by saving the life of a leading citizen.

Lew Ayres, Lionel Barrymore and Laraine Day play their accustomed roles. Samuel S. Hinds portrays the senior Kildare, Gene Lockhart the leading citizen, Emma Dunn the mother. John Shelton, Nat Pendleton, Alma Kruger, Walter Kingsford and Nell Craig are others present. Harold S. Bucquet directed from a screenplay by Harry Buskin and Willis Goldbeck.

Running time, 77 minutes. "G."* ROSCOE WILLIAMS

"Colorado"

(Republic)

There is action all the way in Producer-Director Joseph Kane's latest Roy Rogers production. It is a tale of the old West, set in Denver during the days of the Civil War, with espionage agents of the confederacy inciting the Indians to raids on the white man's cities, gun-smuggling and treason.

Rogers is sent on a direct assignment from President Lincoln to clean up the troubled area. He finds that his brother, Milburn Stone, a Confederate sympathizer, is one of the leading trouble-makers. En route to the West, Rogers enlists the aid of George Hayes and they arrive in Denver together. Rogers finds that Stone is engaged to be married to Pauline Moore.

After several efforts to reform his brother, Rogers is finally compelled to capture him. There are gun fights in every reel, a holdup and two encounters with Indians. The "romance" of "Gabby" Hayes with Maude Eburne adds a touch of humor. Louis Stevens and Harrison Jacobs wrote the screenplay.

Running time, 57 minutes. "G."* EDWARD GREIF

**"G" Denotes general classification.*

1940-41 Almanac To Appear Today

(Continued from page 1)

tributed during the year. About 350 new theatres were constructed between June, 1939 and June, 1940, and approximately $35,000,000 was spent on them and in refurbishing older houses.

The new edition carries a combined, cross-indexed Corporations section in which is listed 300 principal companies, with their executive personnel. Financial statements likewise are included.

For the first time documentary pictures and their producers get reference book attention, with 55 films and 150 producers now actively listed. Television and Broadcasting is treated in another section, with a listing of 250 stars who divide their time between radio and the screen.

Field Asks Child Aid

HOLLYWOOD, Sept. 2.—Marshall Field III, president of the U. S. Committee for the Care of European Children, arrived over the weekend to confer with film executives and the local heads of his organization with respect to the project. He spoke to M-G-M and 20th Century-Fox officials Friday and Saturday and will seek to enlist the aid of the other studios this week.

'Millionaires,' Stage $19,000 in Baltimore

BALTIMORE, Sept. 2.—Unseasonably cool weather and some rain kept pleasure seekers from the outdoors amusement places. "Millionaires in Prison," with a stage show featuring "George White's Scandals" took $19,000 at the Hippodrome.

Estimated takings for the week ending Aug. 29:

"Captain Caution" (M-G-M)
CENTURY—(3,000) (15c-28c-44c) 7 days. Gross: $8,700. (Average, $10,000)
"Disney Festival" (RKO)
KEITH'S—(2,406) (15c-28c-33c-44c) 7 days. Gross: $6,500. (Average, $9,000)
"Millionaires in Prison" (RKO)
HIPPODROME — (2,205) (15c-28c-39c-44c-55c-66c) 7 days with stage show of "George White's Scandals." Gross: $19,000. (Average, $14,000)
"The Man I Married" (20th-Fox)
NEW — (1,581) (15c-28c-35c-55c) 7 days. Gross: $7,000. (Average, $7,000)
"They Drive By Night" (W.B.)
STANLEY—(3,280) (15c-28c-39c-44c-55c) 7 days, 2nd week. Gross: $7,500. (Average, $12,000)

New House Makes 59 in Mexico City

MEXICO CITY, Sept. 2. — Mexico City will have a total of 59 active film theatres, with the opening in the near future of the Cine Estrella, new 6,000-seat house in the downtown area. The house is owned by Manuel Angel Fernandez, who already operates three theatres here.

Exhibitors to Open Decree Battle Today

(Continued from page 1)

ett, Virginia, all of the M.P.T.O.A.

Also, Abram F. Myers, Allied States board chairman and counsel, of Washington; H. A. Cole, Allied president, of Dallas, and Sidney Samuelson, New Jersey.

Harry Brandt, president of the I.T.O. of New York, and Robert Poole, executive secretary of the Pacific Coast Conference of Independent Theatre Owners, are among other exhibitor leaders here for the meeting.

A number of affiliated circuit operators also are here but whether or not they actually will participate in the day's conference could not be learned. Spyros Skouras, head of National Theatres, arrived from the Coast by plane with John Healy, his assistant, and presumably will talk to Arnold before he leaves. Others either here are expected to arrive are: R. J. O'Donnel, Dallas; A. H. Blank, Des Moines, and John Balaban and Mort Singer, Chicago.

James Hayes, Robert Sher and Paul Williams, assistants to Arnold, arrived from New York over the weekend to participate.

"Zero Hour" Today

Exhibitor leaders here look upon today's conference as "the zero hour" for the theatre owners. They are outspoken in their condemnation of the block-of-five sales proposal in the decree and also of the trade showing provision. It is a foregone conclusion that they will urge the discarding of the two provisions and the adoption instead of a graduated cancellation right in connection with partial or whole block buys.

They charge that the decree as now written will establish a "sellers market" and that the Government's anti-trust suit, originally launched to gain new benefits and freer competitive conditions for exhibitors will, in reality, if the pending decree is put into effect, create "a tighter production and distribution market than ever."

All Arguments Heard

Government officials reply that they "have heard all the arguments and believe that the present decree is about as good as can be devised for the many divergent interests and viewpoints in the industry."

"It is impossible to please everyone," one Government official stated. "Frankly," he added, "we have never known an industry so difficult to satisfy as this one."

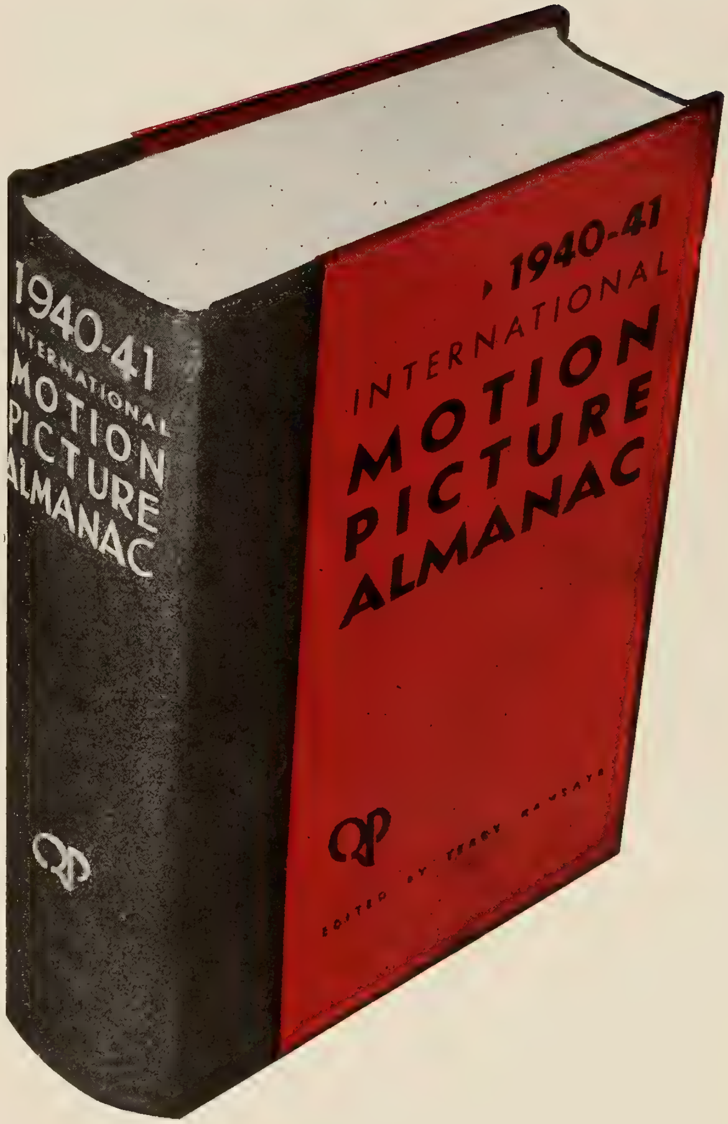
It was reported here that while most of the exhibitor representatives favor cancellation to block-of-five sales, the P.C.C.I.T.O. will advocate single picture sales instead.

No Allied Stand on Decree, Says Cole

Allied States has taken no stand on the pending Federal consent decree or any part of it, according to H. A. Cole, president.

"Neither I nor Allied," he says, "wish to take any stand on this matter until the whole program is outlined by the Government and defendants."

OUT


1940-41
INTERNATIONAL
MOTION
PICTURE
ALMANAC
QP
EDITED BY TERRY RAMSAYE

Edited by TERRY RAMSAYE

**COVERING
PRODUCTION
DISTRIBUTION
EXHIBITION
RADIO AND
TELEVISION
FOR 1940-41**

INTERNATIONAL MOTION

EDITORIAL OFFICES: ROCKEFELLER

TODAY

1940-41 INTERNATIONAL MOTION PICTURE ALMANAC IS OFF THE PRESS . . .

The Almanac of the show-year of 1940-41 is the most comprehensive reference publication of the picture business. Here is an up-to-the-minute documentary record of industry activity . . . . here are presented more than 12,000 biographies of players, directors, writers, technicians and executives . . . . here are facts and figures in abundance covering every phase of the business with scientific accuracy and precision . . . . here is the most complete work of its kind, everything with which to check the past and chart the future.

No showman can afford to be without the Almanac. If you haven't already reserved your copy be sure to order it at once.

Three Dollars the copy

PICTURE ALMANAC
CENTER, NEW YORK

Urge Giveaway Programs Get Court Scrutiny

(*Continued from page 1*)

parently based on the view that 'consideration' must run from the prospective recipient of the prize, to constitute the broadcast a 'gift enterprise,' and that no such consideration is involved in the schemes in question. . . . In view of the strong appeal which such programs have, this administrative construction of the statute seems likely to result in an increase in the number of such programs."

Concerning Government control of radio, the report declares: "If the Government is to be kept out of actual management of radio programs, however, the broadcasting companies must deserve and maintain public confidence as to the way in which broadcast programs are at present selected, and as to the fair working of the system as between the large business units and the smaller ones."

Among the recommendations in the report is that stations and networks keep a log showing which groups have been given free time and that such logs be made available to those who seek to determine whether time has been allotted fairly. A survey of legal decisions dealing with radio is contained in the report and after a review of the law of defamation by radio, it is pointed out that Federal legislation might be desirable.

'Breakfast' Takes $9,000, New Haven

NEW HAVEN, Sept. 2.—"He Stayed for Breakfast," dualled with "The Golden Fleecing" took $9,000 at the Loew-Poli. "Comin' Round the Mountain" and "Mystery Sea Raider" took $4,500 at the Paramount. Cold and rainy weather helped.

Estimated takings for the week ending Aug. 29:

"The Return of Frank James" (20th-Fox)
"The Man I Married" (20th-Fox)
COLLEGE—(1,499) (39c-55c) 7 days, 2nd week. Gross: $2,900. (Average, $2,700)
"He Stayed for Breakfast" (Col.)
"The Golden Fleecing" (M-G-M)
LOEW-POLI—(3,040) (39c-55c) 7 days. Gross: $9,000. (Average, $8,000)
"Comin' Round the Mountain" (Para.)
"Mystery Sea Raider" (Para.)
PARAMOUNT—(2,348) (39c-55c) 7 days. Gross: $4,500. (Average, $4,000)
"Flowing Gold" (W.B.)
"Anne of Windy Poplars" (RKO)
ROGER SHERMAN—(2,200) (39c-55c) 7 days. Gross: $4,200. (Average, $5,000)

Fete Zagrans, McNamee

PHILADELPHIA, Sept. 2.—Charles Zagrans, who was elevated to the position of branch manager for RKO here, and Frank McNamee, who resigned that post, will be honored by the picture industry at a testimonial dinner to be held Sept. 26.

Connor, 26, Dead

HIGH POINT, N. C., Sept. 2.—Charles E. Connor, 26, manager of the Center, died last week.

Serving the Albany district—third highest per capita rating in the country. Use

Station WOKO
(CBS outlet)

Off the Antenna

ONE of the smoothest publicity ideas promoted in a long time has been launched on behalf of Philco. The idea is to have the radio editors of the nation form a "radio academy" for the purpose of making annual awards for outstanding programs. Philco is willing to subsidize the "academy" to the extent of $30,000 annually and "seeks nothing more" than to have the editors refer to the prizes as "Philco awards." Radio editors who have agreed to sponsor the project include Dorothy Doran, Akron *Beacon-Journal;* Ben Kaplan, Providence *Journal-Bulletin;* Mary Little, Des Moines *Register & Tribune;* Robert Locke, Kansas City *Journal;* John McManus, *PM;* Leo Miller, Bridgeport *Herald;* Si Steinhauser, Pittsburgh *Press;* Don Trantor, Buffalo *Courier-Express.*

• • •

Program News: *Liggett & Myers Tobacco Co. will sponsor "Prof. Quiz" over 68 CBS stations Thursdays at 10:15 P. M. beginning Oct. 3. . . . Eversharp Pen & Pencil Co. will increase the "Take It or Leave It" network over CBS Sept. 22 from three to 52 stations. . . . WOR on Saturday inaugurated a Wednesday and Saturday weather service which will feature the five-day predictions recently started by the U. S. Weather Bureau. . . . An apartment house, 2601 Parkway, will sponsor 100-word announcements over WCAU, Philadelphia.*

• • •

Edgar Kobak, NBC vice-president in charge of sales on the Blue, over the weekend released a new rate card for that network covering 137 stations. The card became effective Sunday. A new discount provision permits sponsors whose contracted gross billings equals $1,500,000 within a 12-month fiscal period to take a straight 25 per cent discount in lieu of weekly quantity discounts and rebates to such sponsors will henceforth be allowed on a current basis.

• • •

Purely Personal: *George R. Clapp, formerly program director for WENY, Elmira, will join Mutual today as night assistant to Adolph Opfinger, program service manager. . . . Sidney P. Spear, assistant to the legal adviser to the State Department, has been appointed to the FCC law department to advise on matters involving employment and labor problems in relation to the regulation of communications. . . . George W. Klingaman has joined the engineering staff of WOR's FM outlet. . . . James Hurlbut of the WJSV, Washington, newsroom is the father of a boy. . . . Dick Marvin, radio director of the William Esty agency, left over the weekend for Chicago and the Coast.*

Critics' Quotes . . .

"FOREIGN CORRESPONDENT" (Wanger-U.A.)

Deliciously amusing, filled with the tricks that have become Hitchcock's trademark, and with a type of suspense that only Hitchcock has mastered. . . . Wanger, Hitchcock and the cast, headed by Joel McCrea, Laraine Day and Herbert Marshall, have done a masterly job of co-ordinating their work. . . has the advantage of timeliness.—*Kate Cameron, New York Daily News.*

Into it Director Alfred Hitchcock, whose unmistakable stamp the picture bears, has packed about as much romantic action, melodramatic hullabaloo, comical diversion, and illusion of momentous consequence as the liveliest imagination could conceive.—*Bosley Crowther, New York Times.*

Will give you a lot of entertainment. But by no means is it a Walter Wanger-Alfred Hitchcock super-super except possibly in cost.—*Lee Mortimer, New York Daily Mirror.*

A stunning melodrama . . . should delight all manner of film-goers . . . filled with those deft touches of imagery and suspense which add up to irresistible entertainment.—*Howard Barnes, New York Herald Tribune.*

A magnificent adventure yarn . . . swell entertainment . . . the whole thing belongs to Mr. Hitchcock, which is the utmost indorsement.—*Cecelia Ager, PM (New York).*

A picture that will stand out in almost any film company . . . will thrill the general public while it will give a meaty chunk to the critical to exercise their jaws . . . a moviegoer's must.—*Archer Winston, New York Post.*

Another crackling piece of terror . . . the first reels are by far the best . . . Mr. Hitchcock's mingling of realism and fantasy is skillful. . . . But it's sizzling melodrama, anyway, well acted, superbly directed.—*Eileen Creelman, New York Sun.*

An amiably entertaining piece filled with chases and captures and escapes . . . contains occasional deft touches but for the most part offers obvious melodramatics.—*Rose Pelswick, New York Journal American.*

For sheer entertainment and thrills it is, I think, the best film that Hitchcock ever has made—distinguished in every way.—*William Boehnel, New York World Telegram.*

Easily one of the year's finest pictures.—*Time.*

"BRIGHAM YOUNG" (20th Century-Fox)

Reaches out and grips the emotions of the onlooker. For nearly two hours it leads its audience into an uplifting adventure. Truly has Zanuck a triumph in this production.—*Harry Mines, Los Angeles Daily News.*

It will impress and interest, particularly in its story of courageous picturing, and sidelights on intolerance. . . . The film really moves, though, on the strength of its bigness.—*Edwin Schallert, Los Angeles Times.*

One of the best pictures ever to come out of the 20th Century-Fox studio and one of the best pictures this reviewer has ever seen.—*Louella O. Parsons, Los Angeles Examiner.*

Stunt De Luxe

PHILADELPHIA, Sept. 2.—Edward Rosenbaum, local exploiteer for Columbia, roused the film critics early one morning by sending a sumptuous breakfast repast, marshaled by two liveried waiters from the Hotel Adelphia, direct to their home dining rooms. It was his way of announcing "He Stayed for Breakfast," which opened later in the day at the Earle and Stanley.

Mexico to Revise Radio Regulations

MEXICO CITY, Sept. 2. — The Mexican Ministry of Communications and Public Works shortly will appoint a commission of five persons to survey the radio industry in that country for the purpose of a general overhaul of existing laws and regulations. Station operators will be required to give the commission all the information and data it seeks. In addition, the commission will seek ways and means for improving broadcasts from cultural, social and economic standpoints.

To the many comments caused by the increase of power from 50 to 500 watts granted to a German owned station in Hermosillo, capital of Sonora, the Mexican Government has replied that this power increase need cause no alarm.

Indiana Exhibitors Seek Music Box Ban

ELKHART, Ind., Sept. 2.—Theatres here have advised the American Federation of Musicians that they will install coin music boxes for dancing unless the State here which is using a machine in the basement for dancing discontinues that practice. Two weeks ago, when the Illinois-Indiana circuit protested against the use of the music box, the union replied the deadline for removal of the box had been set for Aug. 27.

However, the State over the weekend used large newspaper advertisements to announce a big dancing party with recorded music by name bands. In its protest to the union, the circuit asked that steps be taken to prevent the spread of this practice to other houses in this area.

AFL Union Fails to Act at NLRB Hearing

HOLLYWOOD, Sept. 2.—The hearing before NLRB trial examiner Bruce Hunt to determine whether an election for a collective bargaining agency for office workers employed in eight studios should be held, ended today without the American Federation of Labor office employes' local putting in any evidence to support its claim for casting office aides.

Hunt will collate the evidence offered by the Screen Office Employes Guild which seeks the election and make his report to the national board.

MPPDA Meet Sept. 17

Quarterly meeting of the M. P. P. D. A. board of directors is scheduled to be held Sept. 17. Will H. Hays, president, is expected from the Coast next week to make arrangements.

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

V . 48. NO. 46 NEW YORK, U. S. A., WEDNESDAY, SEPTEMBER 4, 1940 TEN CENTS

English Film Houses Defy Nazi Raiders

Theatres Remaining Open Despite Bombings

By AUBREY FLANAGAN

London, Sept. 3.—Despite constant bombing by Nazi raiding planes day and night, English film theatres are open under virtually normal conditions.

Intermittent air raid warnings are affecting attendance seriously, of course, with the business far below the lowest Summer figures known to the trade, but the theatres are functioning nevertheless.

Theatre business in the West End of London virtually ceases at dusk, although the houses remain open. Conditions in the suburbs and provinces vary. In some areas the matinee business is replacing the depleted evening gross but the majority have slumped both day and night.

Several film houses in addition to those struck earlier in the "Battle of Britain," have been hit by bombs, but no casualties beyond what already has been reported, have occurred.

In the instances where air raid warning signals have sounded during shows, only a very few patrons have quit the theatres. The great majority of the patrons of these theatres remain after the final curtain to join in games, charades, community singing and tea parties, organized by the management of the various houses. All this activity has been characterized by a complete absence of panic.

Time Will Defend 'Ramparts' Suits

March of Time will be responsible for the defense of any legal action brought against exhibitors or others by German authorities for the use of scenes from the German propaganda picture, "Baptism of Fire," in March of Time's "The Ramparts We Watch," Louis De Rochemont, producer of the latter picture, stated yesterday.

De Rochemont's statement was made after he had been informed by George J. Schaefer, president of RKO, which is distributing "The Ramparts We Watch," that a large circuit had been threatened with legal action if it exhibited the picture, and it had been intimated, too, that retaliatory action might be taken by Ger-

(*Continued on page* 22)

Exhibitors Tell Arnold They Don't Want Decree

Units Will Seek to Become Intervenors In Suit; Block-of-Five Provision Of Attack at Washington

"Prosecute the pending New York anti-trust suit or have it dismissed, but don't accept the provisions of the presently proposed consent decree."

In substance, this is what exhibitors stated yesterday at a hearing in Washington, on the decree, which was held before Assistant U. S. Attorney General Thurman Arnold.

"We will fight the proposed decree to the bitter end," said Ed Kuykendall, president of the M.P.T.O.A., following a meeting of his own and other exhibitor groups with Arnold.

It was indicated that the M.P.T.O.A. and other exhibitor organizations would seek to become intervenors in the suit in order to be in a better position to oppose the decree or to obtain relief from its block-of-five sales proviso, which was the chief target of all the exhibitor spokesmen at the meeting with Arnold.

Government officials, it was learned after the meeting, gave the exhibitors no clear indication of whether they would now seek further changes in the dedecree. Arnold is said to have advised the meeting that in his judgment the proposed decree should be accepted, but, he added, there was no telling what the court would do in the matter.

The exhibitor conferees reported Arnold told them the settlement negotiations had dragged on long enough and would not be reopened and that the only other alternative would be to go trial. In this case, he warned them, according to their version, that it would take many years before a final determination could be had, as the case might not reach the Supreme Court for five years.

Arnold presided at four different sessions during the day. No further meetings with the exhibitors are scheduled. A general meeting attended by M.P.T.O.A. and affiliated organizations, the New York I.T.

(*Continued on page* 19)

Exhibitors Bewildered

Washington, Sept. 3.—Exhibitor conferees expressed great puzzlement last night over the stand of the Department of Justice because the Government is considering establishing a system of selling in blocks of five although contending that block booking as such is illegal. To these conferees this stand is a reversal of the Government's traditional position, more particularly since cancellation is not provided for.

Exhibitor spokesmen assert that the rank and file would prefer to purchase films on an individual picture basis rather than in units of five. This is the position of the Paramount partners.

The prepared statement which was filed by Ed Kuykendall with the De-

(*Continued on page* 19)

Under Fire

In his dispatch from London in yesterday's New York *Times* Vincent Sheean paid tribute to the work of the newsreel photographers working under fire to picture the raiding Nazi planes.

Declaring they are the most exposed persons in the danger area, Sheean reported that Philip Parker, English cameraman for Movietone News, had his tin hat dented by an incendiary bullet from a Messerschmidt, and Arthur Menken barely escaped a barrage balloon falling in flames after the Nazi attack he had been filming.

Grosses Zoom to Broadway Record

With a record-breaking number of visitors in town for the Labor Day weekend, Broadway boxoffices rolled up the greatest grosses recorded in many years. It was a banner holiday for every form of amusement in the city.

Restaurants and hotels throughout the city were crowded to capacity. The New York World's Fair drew its second largest crowd of the season on Monday, almost a third of a million, and the total for the three days came to approximately 750,000. The six legiti-

(*Continued on page* 19)

Times Lauds Frank Walker

An appreciation of the appointment of Frank C. Walker, operating head of Comerford Theatres, Pennsylvania Circuit, as Postmaster General by President Roosevelt, appearing as an editorial in the New York **Times** *of yesterday, follows:*

Mr. Roosevelt has the reputation of a lucky man. His latest luck is to have prevailed on Frank Comerford Walker to succeed Mr. Farley in the Postoffice Department. For Mr. Walker is a hard bird to cage. He is a man of business and the law, once the prime aide of John D. Ryan, the copper magnate. Wise in real estate and matters of the theatre, he is always busy enough. If he takes on new engagements he prefers those of education, charity and religion. The only offices, strictly speaking, that he had held up to the other day were those of member of the Montana Legislature and Assistant District Attorney of Silver Bow County in that State.

He consented to be treasurer of the Democratic National Committee in 1932. That is essentially an honorary post, calling for no con-

(*Continued on page* 19)

T. J. Connors Leaves For Toronto Today

Thomas J. Connors, eastern, southern and Canadian sales manager of Metro-Goldwyn-Mayer, leaves today for Toronto, on business. He will confer with N. L. Nathanson, head of Famous Players Canadian. Connors is expected to return to New York in two or three days.

Air Raid Rules Hit St. John Theatres

St. John, N. B., Sept. 3.—New air raids precautions regulations on lighting have a direct bearing on theatres. No neon lights are allowed after sundown, no lights of any kind are to be kept burning unless there is someone on the premises to extinguish them when the air raids sirens blow for a blackout, test or genuine. A fine of $500, or 12 months in jail, or both fine and imprisonment, can be imposed as penalties.

Zukor Will Attend Para. K. C. Meeting

Adolph Zukor, Paramount board chairman, will attend the two-day meeting of Paramount division and district managers at Kansas City, Sept. 11 and 12, as guest of honor. The meeting is scheduled to decide the sales policy on "Northwest Mounted Police," and to give the sales executives an opportunity to view other recently completed Paramount pictures.

Others who will attend the meeting are: Neil F. Agnew, vice-president and distriubtion head; J. J. Unger, Charles Reagan and Oscar Morgan, division managers; M. S. Kusell, Harry Goldstein, William Erbb, Allen Usher, R. C. LiBeau, G. A. Smith, H. F. Wilkes and Hugh Braly, district managers, and M. A. Milligan and William Hansher of the Canadian office.

Also, Robert M. Gillham, advertising and publicity director; Clinton Bolton, Don Chambers, William Brooker, Jack Dailey, J. M. Joice, Carl Krueger, Ralph Ravenscroft and William Lansburg, in charge of field exploitation.

National Screen Film Commended by F.B.I.

CHICAGO, Sept. 3.—The Chicago office of National Screen Service has been commended by the Federal Bureau of Investigation for its production of a 50-foot trailer on Americanism. In a letter by W. S. Devereaux, regional director, special mention is made of that part of the film which urges that citizens report un-American activities to the F.B.I.

The picture was conceived and written by Duke Hickey, head of N.S.S. mid-West special service department. Clarence Fuglsang, production director, supervised with Francis Venegas at the camera.

V. V. Haidacher Dies

DANVILLE, Pa., Sept. 3.—V. V. Haidacher, 72, pioneer motion picture theatre owner here, succumbed at his home here, after a stroke. He came here in 1907 and established the first local theatre, the Nickelodeon. He is survived by his wife, two sons, a daughter and one sister.

Eddie Collins Dies

LOS ANGELES, Sept. 3.—Eddie Collins, stage and screen comedian, died of a heart attack Sunday at his home in Arcadia. He had been currently at work in "Chad Hanna." He recently apeared in "The Blue Bird."

Personal Mention

NATE J. BLUMBERG, Universal president, is expected back in New York at the end of the week from his annual Summer stay on the Coast.

•

WILLIAM MORGAN, 20th Century-Fox manager for France, has returned to the home office from the Continent for an indefinite stay.

•

LOUIS D. FROHLICH and HERMAN FINKELSTEIN of Schwartz & Frohlich, Ascap counsel, are en route to Tacoma for Federal court hearings there on the Washington anti-Ascap law.

•

FREDERICK L. HERRON, M.P.P.D.A. treasurer and foreign department head, returned yesterday from a month's vacation at his Connecticut farm.

•

HENRI ELLMAN, Monogram franchise holder in Chicago, is here for a brief visit.

•

MR. and MRS. LEO SPITZ have returned here.

•

JOHN D. HERTZ, JR., left for Akron last night.

•

CHARLES E. MCCARTHY, WILLIAM F. RODGERS, HARRY BUXBAUM, JOHN W. HICKS, WILLIAM ORR, TED O'SHEA, MORRIS KINZLER and FRED LANGE at Nick's Hunting Room in the Astor for lunch yesterday.

•

MONROE GREENTHAL, HARRY HUBER, AL YOUNG, JACK GOETZ, JOSEPH PINCUS and J. J. MILSTEIN at Lindy's (51st St.) yesterday for lunch.

•

JERRY SAFRON, ABE MONTAGUE, LOU WEINBERG, EMANUEL SILVERSTONE, ARTHUR SILVERSTONE and SOL EDWARDS lunching at Lindy's (next to the Rivoli) yesterday.

•

LEON NETTER, LEONARD GOLDENSON, CLAYTON BOND, CHARLES SONIN, ARTHUR LOEW, MORT SPRING, DAVE BLUM, OTTO PREMINGER, REGINALD DENHAM, JOSEPH ROSTHAL, GUY BOLTON, SIDNEY PHILLIPS and JOHN GOLDEN at Sardi's yesterday for lunch.

•

OSCAR A. DOOB, MARVIN SCHENCK, EUGENE PICKER, HARRY THOMAS, ART SCHMIDT, MAURICE BERGMAN, JACK HALEY, DOUGLAS ROTHACKER, JAMES SMITH, SAM CITRON and BUDD ROGERS at the Tavern yesterday for lunch.

J. CHEEVER COWDIN, Universal board chairman, is scheduled to arrive from the Coast by plane today.

•

ARTHUR KELLY, United Artists foreign department head, is en route to the Coast.

•

W. J. HUTCHINSON, 20th Century-Fox foreign department manager, arrived from the Coast by plane yesterday.

•

FRANCIS HARMON, assistant to WILL H. HAYS, arrived from the Coast yesterday. ROY NORR of the M.P.P.D.A. is scheduled to arrive from Hollywood today.

•

CARL NIESSE of the Vogue Theatre, Indianapolis, is in town for a week on a buying trip. MRS. NIESSE and his daughter are with him.

•

MAURICE GOLDBERG, formerly of the Earl and Midway, Philadelphia, has been named manager of Warners' Cadet in that city.

•

LOUIS COLANTUONO has been appointed assistant manager of the modernized Hi-way, Jenkintown, Pa., a Warner theatre.

•

HUGH MAGUIRE, RKO booker in New Haven, is vacationing at Saratoga Springs.

•

JANET EVANS has become engaged to WILLIAM H. PARSONS of the Strand Theatre, Swoyerville, Pa.

•

ROBERT KINSLEY, assistant manager of Keith's, Cincinnati, is pinch hitting for M. J. WHITMAR, assistant division director of advertising and publicity for RKO in that city, now on vacation.

•

CHARLES KURTZMAN, New England division manager for Loew's, was a recent visitor in Providence.

•

JACK POST and AL BOOKSPAN of the Fishman circuit, New Haven, spent the weekend at Lebanon, Conn.

•

LUCY FLACK, operator of the Capitol, Milford, Conn., is confined to her home with the grippe.

•

HARRY WENZEL, manager of Advertising Accessories in New Haven, will spend his forthcoming vacation in Maine and Atlantic City.

Murray Beier Dies; Funeral Rites Today

Murray Beier, former United Artists district manager at Kansas City, died yesterday at Mt. Sinai Hospital here at the age of 52. Funeral services will be held at 12:30 today at Park West Memorial Chapel.

Beier had been active in distribution for many years, having been associated with the old Mutual Films organization and with other companies prior to joining United Artists. He was operating his own exchange in Philadelphia at the time of his death.

He is survived by his wife, Fannie, a daughter, Grace, a son, Herbert, who is associated with the New York office of Alexander Korda Films, and a brother, Nat, of the United Artists New York exchange.

NLRB Scenic Artist Union Vote Ordered

WASHINGTON, Sept. 3.—The National Labor Relations Board announced over the weekend that it had ordered a collective bargaining election to be held within 30 days among the scenic artists and assistants of Warners, RKO, 20th Century-Fox, Columbia, Loew's, Universal, Samuel Goldwyn Studios, Paramount and Hal Roach Studios to determine whether they desire to be represented by Motion Picture Painters (A.F.L.) or Scenic Arts Association of America, or by neither.

The board held that the consent election held in October, 1938, did not constitute a bar to the determination of the representation question raised by the two organizations.

Newsreel Parade

F prime importance in the new issues is the Battle of Britain, in which enemy planes are seen raiding the city of London and shell fire is felt on the eastern coast. A highlight of the news here is the air crash in Virginia which took the lives of [illegible] including Senator Lundeen of Minnesota. The reels and their contents follow:

MOVIETONE NEWS, No. 103—English convoy shelled. Air raids on London. Fires in south Britain. German planes downed in England. Wallace in acceptance speech. Daredevils at World's Fair. Harvest Moon Ball. All-star football game. Hopeful race at Saratoga. Lew Lehr.

NEWS OF THE DAY, No. 301—Big Berthas shell Britain. Nazi planes downed in England. Air crash kills 25 here. Flood in south New Jersey. Ship building booms. Harvest Moon Ball. Pre-season football game. Stunt drivers at World's Fair.

PARAMOUNT NEWS, No. 2—New ship launched in California. Heavy rains on eastern coast. Air crash. Second year of war begins. All-star football game. Water skiing. Stunt auto driving.

RKO PATHE NEWS, No. 2—Nazi planes bomb London. Floods in New Jersey. *S. S. Mormacsun* launched at night. Plane crashes in Virginia. Wallace in acceptance speech. Harvest Moon Ball. Saratoga closes.

UNIVERSAL NEWSREEL, No. 907—Battle of Britain. Wallace hailed in home town. Draft spurs marriage rush in New York. Plane crash. Atlantic City water tank caves in. Harvest Moon Ball. Football game in Chicago. Auto daredevils at World's Fair.

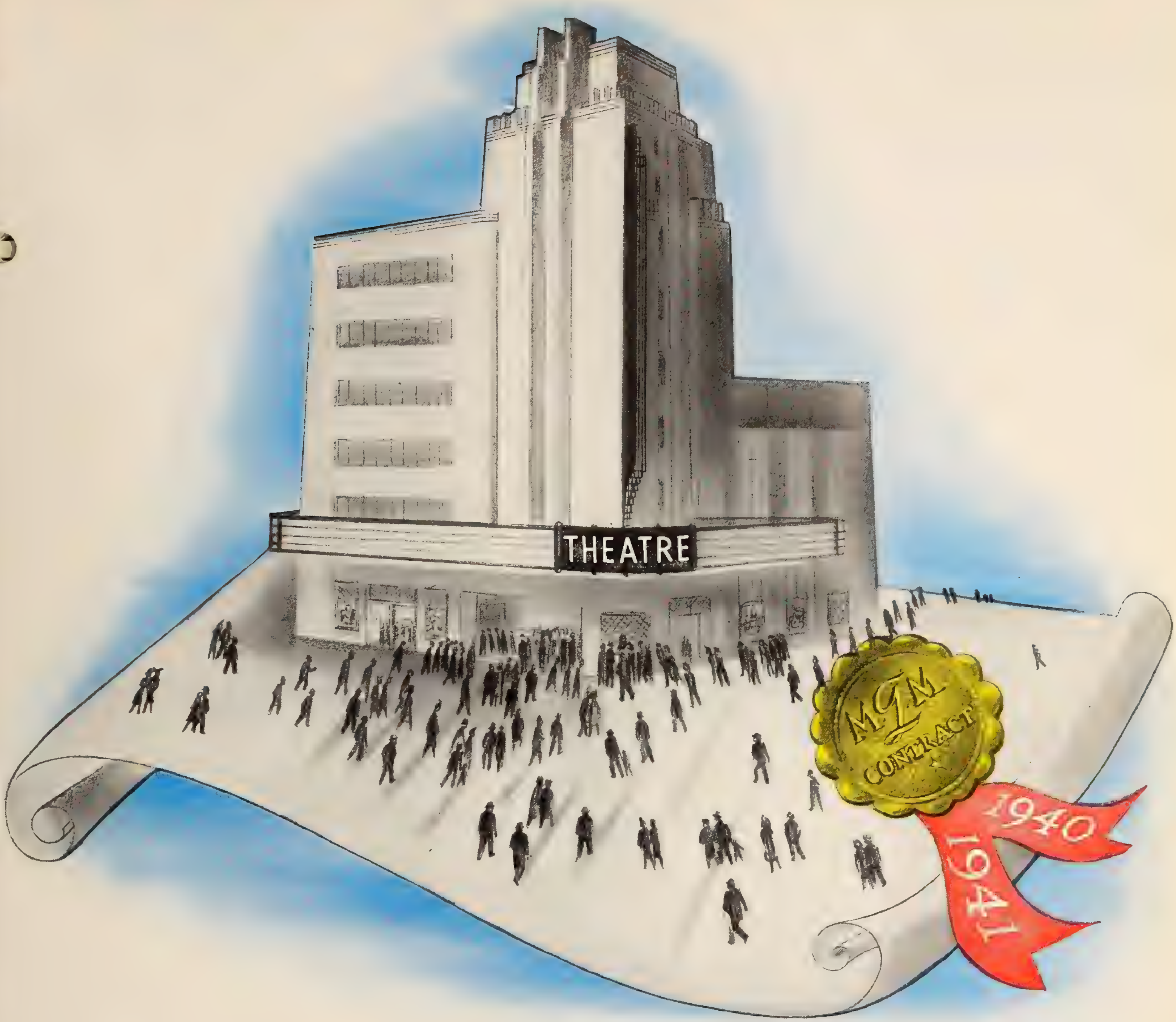
Rites for James Fay Will Be Held Today

PROVIDENCE, Sept. 3.—Funeral services will be held tomorrow morning at Riverside, R. I., for James T. Fay, 64, brother of Edward M. Fay, and associated with him in the amusement business here for more than 30 years.

Fay was stricken with a heart attack while attending the Narragansett Park race track Saturday afternoon and died shortly afterward at Pawtucket Memorial Hospital. With his brothers, Edward and Bernard, James Fay organized an orchestra many years ago, the brothers alternating as leaders. Later they took over a dance hall near here and in 1920 organized Fay's Amusement Co., which operated the Carlton, Majestic and Fay's here. He was a member of the Providence Elks, the Rotary Club, the Town Criers and was a lifetime member of the musicians union.

MOTION PICTURE DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L Finestone, Managing Editor; James A Cron, Advertising Manager; Chicago Bureau 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.


THEATRE
MGM
CONTRACT
1940
1941

BUILDING ON A SOLID FOUNDATION!

SUCCESS HAS NEVER CHANGED LEO!

The Friendly Company has the pictures and it's the easiest company to do business with!

1924-25

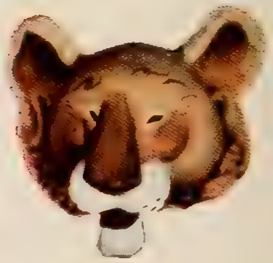
The Navigator • Janice Meredith
He Who Gets Slapped • *The Merry Widow • Never the Twain Shall Meet
The Circle • Sally, Irene and Mary
Zander the Great • His Secretary

1929

†Broadway Melody • The Trial of Mary Dugan • Dynamite • The Bridge of San Luis Rey • *The Last of Mrs. Cheyney • *Madame X • The Hollywood Revue • *Hallelujah

1933

Tugboat Annie • Dancing Lady
*Rasputin and the Empress • The White Sister • Hell Below • Reunion in Vienna • Night Flight



1937

Camille • Maytime • *Romeo and Juliet • A Day at the Races • *Captains Courageous • *The Good Earth
Saratoga • Broadway Melody of 1938
The Bride Wore Red • Conquest
The Firefly • Rosalie

"He's just the same as he was when he started out!"

"And what a pleasure to look back on all those M-G-M hits. Leo has served the industry well these 16 years!"

1926

The Torrent • The Road to Mandalay Mare Nostrum • The Temptress Bardelys, the Magnificent • *The Flesh and the Devil

1927

Tell It to the Marines • *The Big Parade • *Ben-Hur • The Fire Brigade Slide, Kelly, Slide • Rookies • The Garden of Allah

1928

West Point • The Student Prince Rose Marie • Laugh, Clown, Laugh Our Dancing Daughters • White Shadows of South Seas

1930

*Anna Christie • *The Big House *Min and Bill • Caught Short • *The Divorcee • The Unholy Three • Billy the Kid • Our Blushing Brides

1931

Trader Horn • Reducing • Politics Possessed • Inspiration • Strangers May Kiss • The Secret Six • Susan Lenox • Private Lives • Mata Hari

1932

Hell Divers • *Emma • Tarzan, the Ape Man • †Grand Hotel *Smilin' Through • Prosperity Strange Interlude

1934

*Dinner at Eight • *Barretts of Wimpole Street • Chained • Forsaking All Others • Viva, Villa! • *The Thin Man • Evelyn Prentice • Eskimo Treasure Island • Queen Christina Riptide • Men in White • Tarzan and His Mate

1935

*David Copperfield • No More Ladies China Seas • *Broadway Melody of 1936 • †Mutiny on the Bounty • A Night at the Opera • *Naughty Marietta • *Anna Karenina • *A Tale of Two Cities

1936

Rose Marie • Wife vs. Secretary *San Francisco • The Gorgeous Hussy †The Great Ziegfeld • Libeled Lady Born to Dance • After the Thin Man

1938

A Yank at Oxford • Test Pilot • *The Citadel • *Love Finds Andy Hardy *Marie Antoinette • *Boys Town • Too Hot to Handle • The Great Waltz • Out West With the Hardys • Sweethearts Three Comrades

1939-1940

Idiot's Delight • Honolulu • Huckleberry Finn • *Pygmalion • The Hardys Ride High Tarzan Finds a Son • *The Wizard of Oz • Andy Hardy Gets Spring Fever *Goodbye, Mr. Chips • *The Women • Babes in Arms • Ninotchka • Another Thin Man • Balalaika • Broadway Melody of 1940 • Northwest Passage • Edison, The Man • Waterloo Bridge • The Mortal Storm • New Moon • Andy Hardy Meets Debutante • Pride and Prejudice • Boom Town • I Love You Again

*One of "Film Daily's" Ten Best pictures.
†One of the Ten Best; also Academy award.

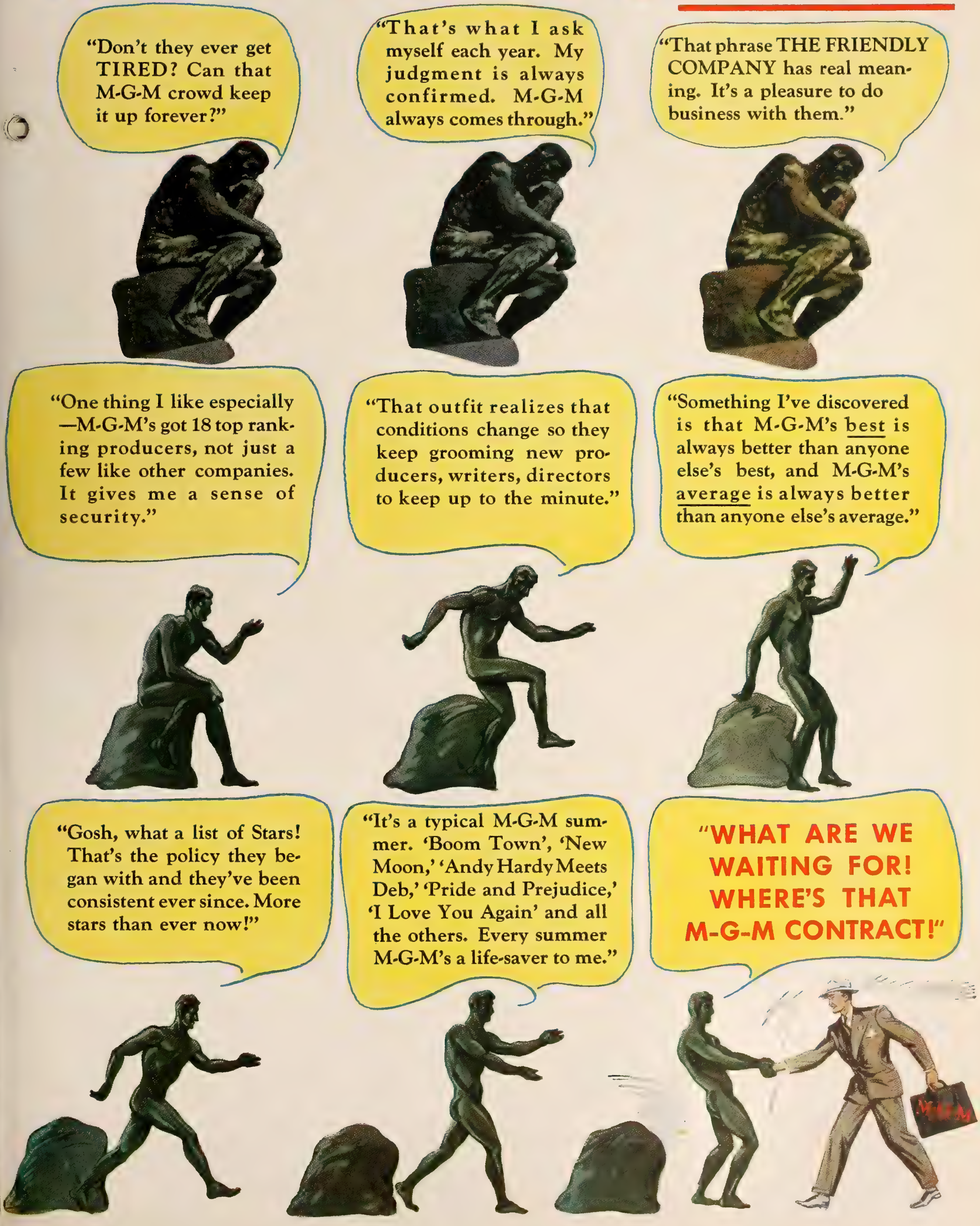
(What a record! Turn the page for more!)

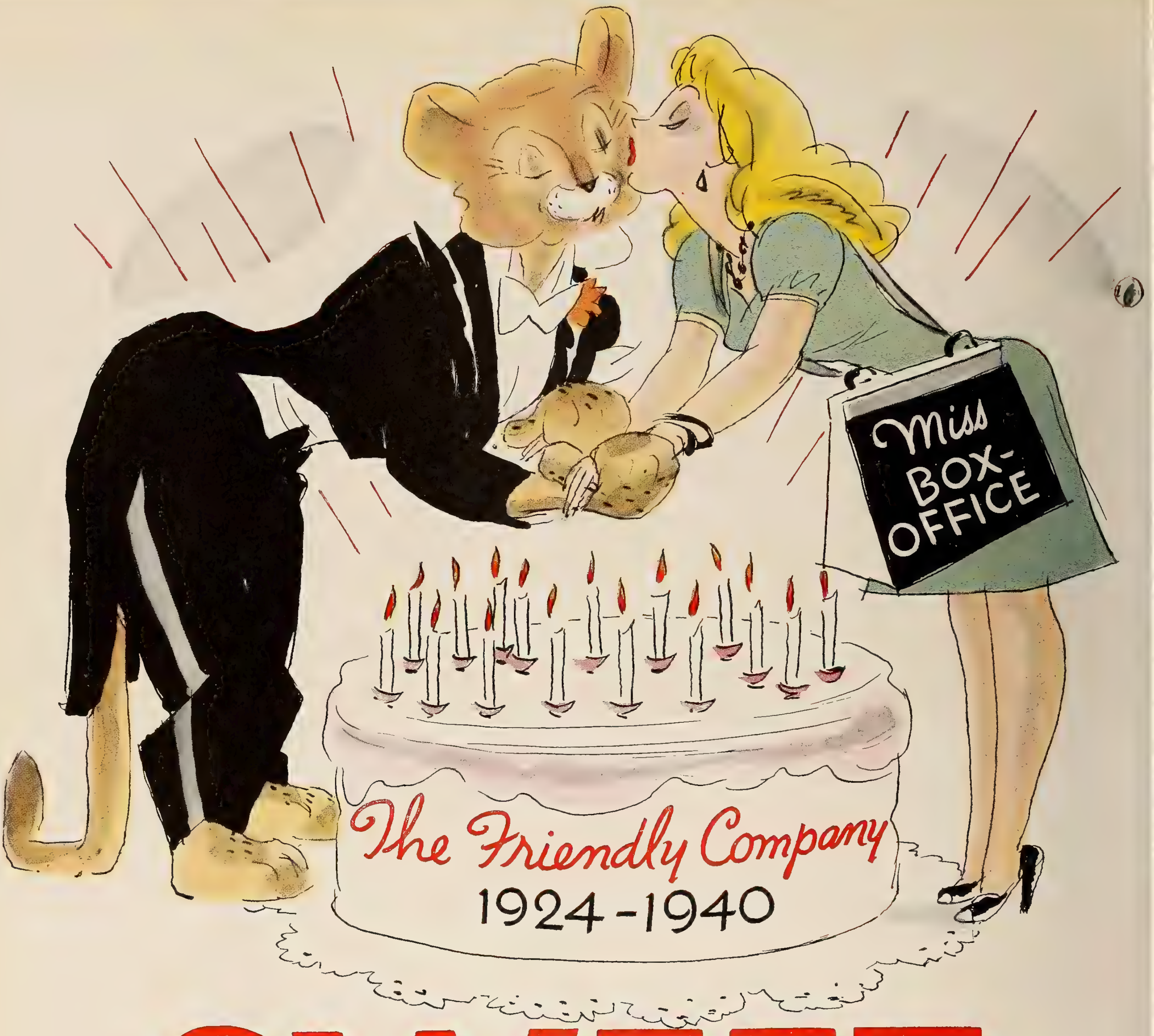
ANNUAL
ANNOUNCEMENT

YOU DON'T HAVE TO TAKE M-G-M WITH A GRAIN OF SALT!

These are no times to take chances. The record of M-G-M over the course of 16 solid years of success is comforting to exhibitors. The stability of the company today with more stars than ever before and greater resources is a guarantee that's worth a fortune in peace of mind, safety of investment. SECURITY! That's important today!

THE THINKER ACTS!


"Don't they ever get TIRED? Can that M-G-M crowd keep it up forever?"
"That's what I ask myself each year. My judgment is always confirmed. M-G-M always comes through."
"That phrase THE FRIENDLY COMPANY has real meaning. It's a pleasure to do business with them."
"One thing I like especially —M-G-M's got 18 top ranking producers, not just a few like other companies. It gives me a sense of security."
"That outfit realizes that conditions change so they keep grooming new producers, writers, directors to keep up to the minute."
"Something I've discovered is that M-G-M's best is always better than anyone else's best, and M-G-M's average is always better than anyone else's average."
"Gosh, what a list of Stars! That's the policy they began with and they've been consistent ever since. More stars than ever now!"
"It's a typical M-G-M summer. 'Boom Town', 'New Moon,' 'Andy Hardy Meets Deb,' 'Pride and Prejudice,' 'I Love You Again' and all the others. Every summer M-G-M's a life-saver to me."
"WHAT ARE WE WAITING FOR! WHERE'S THAT M-G-M CONTRACT!"


Miss
BOX-
OFFICE
The Friendly Company
1924-1940

SWEET SIXTEEN

And he's always been kissed!

(by Miss Box-Office)

NOVELIST! PLAYWRIGHT!

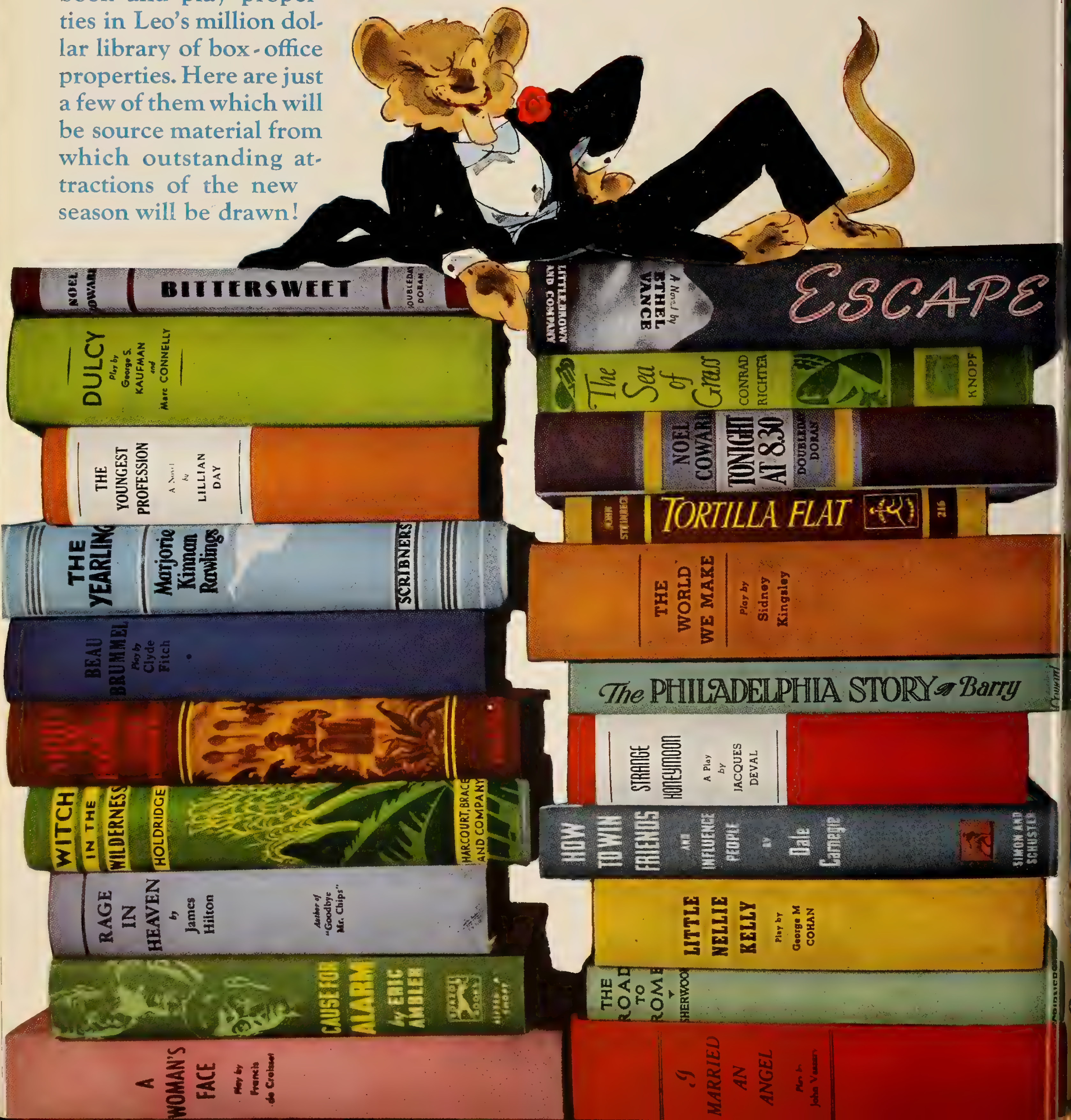
KEEP WORKING!

"Every time I pick up a newspaper I read that M-G-M has bought a new stage hit or best-selling novel. They spend a fortune on story material."

It's a fact that M-G-M buys more novels and plays than any other company. As a result nowhere else do you get the fast change of entertainment pace which is the essence of showmanship. To keep the public coming, you must tempt them with new appeals each week and M-G-M does just that. Best sellers, famed stage hits — they get to be "Best" because they have great stories to tell. M-G-M is in a position to accumulate Big Time material which lends itself to the Big Time Production Standards of the M-G-M Studios.

AT THE TOP OF THE BEST-SELLER LIST!

It would take pages to illustrate all the great book and play properties in Leo's million dollar library of box-office properties. Here are just a few of them which will be source material from which outstanding attractions of the new season will be drawn!


NOEL COWARD BITTERSWEET DOUBLEDAY DORAN
DULCY Play by George S. KAUFMAN and Marc CONNELLY
THE YOUNGEST PROFESSION A Novel by LILLIAN DAY
THE YEARLING Marjorie Kinnan Rawlings SCRIBNERS
BEAU BRUMMEL Play by Clyde Fitch
WITCH IN THE WILDERNESS HOLDRIDGE HARCOURT, BRACE AND COMPANY
RAGE IN HEAVEN by James Hilton Author of "Goodbye Mr. Chips"
CAUSE FOR ALARM by ERIC AMBLER
A WOMAN'S FACE Play by Francis de Croisset
ESCAPE A Novel by ETHEL VANCE LITTLE, BROWN AND COMPANY
The Sea of Grass CONRAD RICHTER KNOPF
NOEL COWARD TONIGHT AT 8.30 DOUBLEDAY DORAN
JOHN STEINBECK TORTILLA FLAT
THE WORLD WE MAKE Play by Sidney Kingsley
The PHILADELPHIA STORY by Barry
STRANGE HONEYMOON A Play by JACQUES DEVAL
HOW TO WIN FRIENDS AND INFLUENCE PEOPLE by Dale Carnegie SIMON AND SCHUSTER
LITTLE NELLIE KELLY Play by George M COHAN
THE ROAD TO ROME SHERWOOD
I MARRIED AN ANGEL Play by John Vassary

EXHIBITOR'S
DATE BOOK

HERE ARE PICTURES TO ENTER IN YOUR DATE BOOK!

M-G-M will produce a minimum of 44 and a maximum of 52 pictures in 1940-1941. Our friendly customers know from previous years that in listing a new season prospectus we reserve the right to make changes. Our mutual aim is to get the best ultimate results and any deviation from the following would only be in the interests of making the best pictures possible. We will let our record speak for that. The following pages reveal the greatest listing of entertainments and star values in the history of the Friendly Company. Here are the materials from which M-G-M's new season productions will be drawn.

ESCAPE *(book)* . . . Ethel Vance's sensational best-seller, flaming with a daring romance that made it the most talked-about novel of the year. Starring Norma Shearer and Robert Taylor with Conrad Veidt, Nazimova, Felix Bressart, Albert Basserman, Phillip Dorn, Bonita Granville and Blanche Yurka. Mervyn LeRoy directs from screen play by Arch Oboler and Marguerite Roberts.

•

WYOMING . . . spectacular outdoor drama filmed in the heart of the rugged West's most breath-taking beauty, starring Wallace Beery with Leo Carrillo, Ann Rutherford, Lee Bowman, Joseph Calleia, Paul Kelly, Bobs Watson, Marjorie Main and Henry Travers. Richard Thorpe directs from original story by Jack Jevne and screen play by Jack Jevne and Hugo Butler.

•

DR. KILDARE GOES HOME . . . further adventures in this series which is becoming increasingly popular and beloved by audiences everywhere, featuring Lionel Barrymore, Lew Ayres, Laraine Day, John Shelton, Gene Lockhart, Nat Pendleton, Samuel Hinds, Alma Kruger, Emma Dunn, Walter Kingsford, Nell Craig and Cliff Danielson. Harold Bucquet directs from screen play by Willis Goldbeck and Harry Ruskin from original story by Max Brand.

•

STRIKE UP THE BAND . . . smashing successor to BABES IN ARMS, tuneful parade of youth starring Mickey Rooney and Judy Garland with Paul Whiteman and his orchestra, June Preisser, William Tracy, Larry Nunn and hundreds of their pulchritudinous pals. Hit song "Our Love Affair." Busby Berkeley directs from original screen play by John Monks, Jr., and Fred Finklehoffe.

•

THE PHILADELPHIA STORY *(play)* . . . Phillip Barry's stage success that ran a solid year on Broadway, brought to the screen starring Cary Grant, Katharine Hepburn, James Stewart with John Howard, Roland Young, John Halliday, Mary Nash, Virginia Weidler, Ruth Hussey. George Cukor directs.

•

SKY MURDER . . . thrilling sequel to Nick Carter's earlier adventures, with this immortal detective hero again portrayed by Walter Pidgeon with Donald Meek, Karen Verne, Edward Ashley, Joyce Compton, George Lessey, Tom Neal, Chill Wills and Tom Conway. George Seitz directs.

DULCY *(play)* . . . Only Ann Sothern could do justice to the flippety heroine of this famous play by George S. Kaufman and Marc Connelly. The comedy cast includes Ian Hunter, Reginald Gardiner, Lynne Carver, Roland Young, Billie Burke and Dan Dailey, Jr. S. Sylvan Simon directs from screen play by Albert Mannheimer, Jerome Chodorov and Joseph A. Fields.

•

THIRD FINGER, LEFT HAND . . . Lionel Houser's madcap romance of a self-sufficient young lady who pretends to have a husband . . . until a husband shows up to claim his bride. Starring Myrna Loy with Melvyn Douglas, Lee Bowman, Donald Meek, Felix Bressart, Raymond Walburn, Bonita Granville, Sidney Blackmer, Ann Morriss, Halliwell Hobbes and May McAvoy. Robert Z. Leonard directs.

•

BITTERSWEET *(play)* . . . Thrilling musical romance, considered Noel Coward's most distinguished achievement, filmed in radiant Technicolor as a starring vehicle for Jeanette MacDonald and Nelson Eddy, with Ian Hunter, George Sanders, Felix Bressart, Curt Bois, Sig Rumann, Fay Holden, Lynne Carver, Edward Ashley, Diana Lewis and Herman Bing. W. S. Van Dyke II directs.

•

LITTLE NELLIE KELLY *(play)* . . . George M. Cohan's memorable New York stage hit, a-kindle with such nostalgic tunes as "You Remind Me of Your Mother" and "Everybody Works But Father." Judy Garland is in the title role, with George Murphy, Charles Winninger, Douglas McPhail and Arthur Shields in the cast. Norman Taurog directs.

•

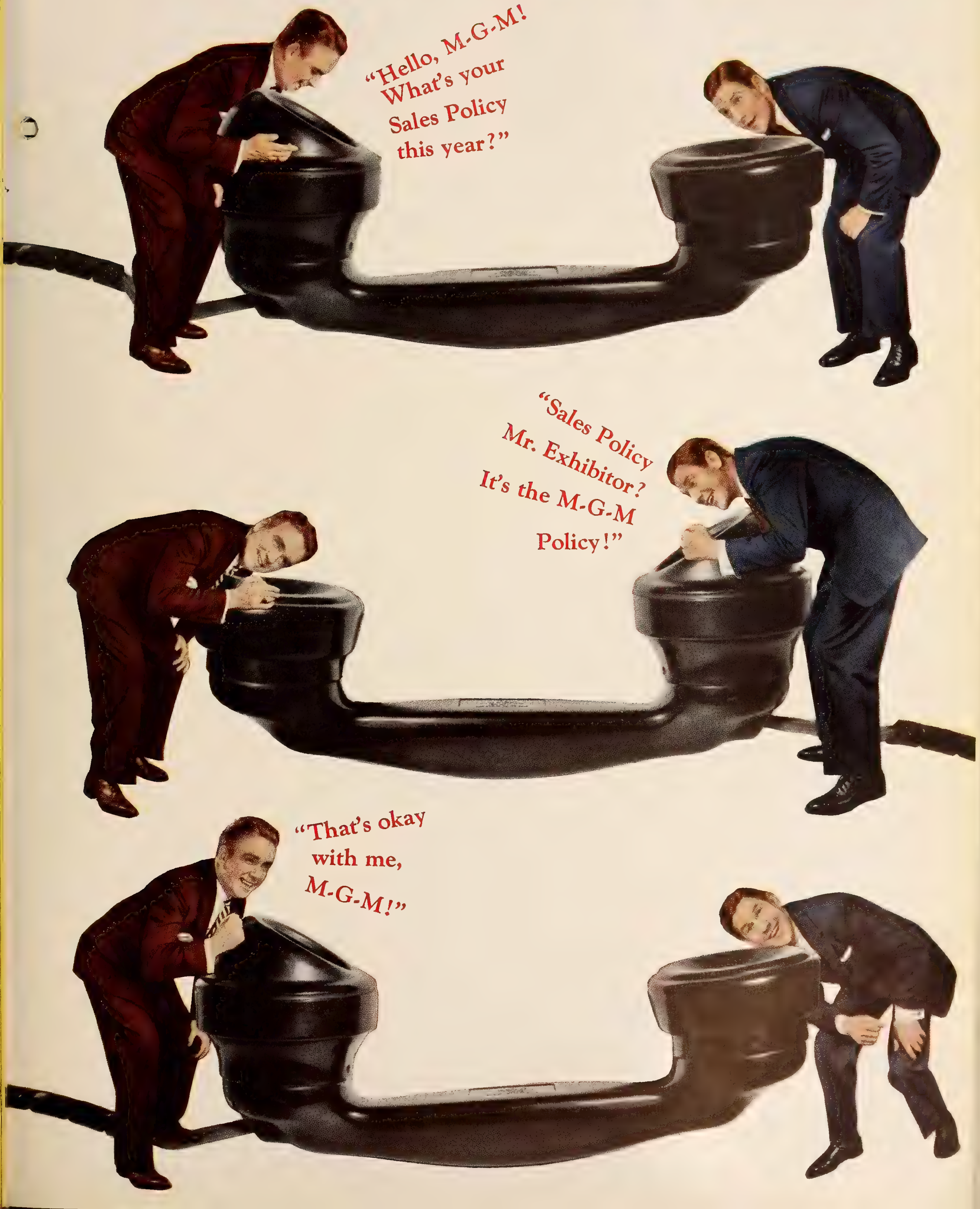
ARE YOU LISTENING? *(Radio Story)* . . . Hilarious moments backstage in a radio station with the inimitable Frank Morgan heading the fun-making cast including Virginia Grey, Dan Dailey, Jr., Ann Morriss, Donald Meek, Felix Bressart, Leni Lynn and Larry Nunn. Edwin L. Marin directs from an original story by Nat Perrin and Dorothy Yost.

•

MARX BROTHERS GO WEST . . . the mad Marxes don boot and saddle to invade the rip-roarin' gold gulches where men are men and women are blondes. The Marx Brothers tried and tested their material before audiences as they did with "A Night at the Opera." Edward Buzzell directs, with cast including Marion Martin, Diana Lewis and Walter Woolf King.

continued

TALK ABOUT SALES POLICY!


"Hello, M-G-M! What's your Sales Policy this year?"
"Sales Policy Mr. Exhibitor? It's the M-G-M Policy!"
"That's okay with me, M-G-M!"

TWO SONS . . . dramatic story of a power-loving District Attorney and how the inspiring influence of his children tips the scales of justice in favor of an innocent man.

•

A WOMAN'S FACE *(play)* . . . powerfully poignant drama of a woman's quest for beauty after a life of disfigurement. Starring Joan Crawford in the adaptation of the French play by Francois de Croisset.

•

MAISIE . . . Ann Sothern's rising popularity in this now-famous screen character will be further enhanced in a sparkling new story.

•

FLIGHT COMMAND . . . Spectacular Navy aviation drama, thrill-packed with spine-tingling exploits of America's mighty air armadas, starring Robert Taylor with Walter Pidgeon, Ruth Hussey, Paul Kelly and John Shelton. Frank Borzage directs from original story by Commander Harvey S. Haislip and John Sutherland.

•

SING SING . . . teeming prison drama, based upon the story by Jonathan Finn and Harold Friedman, starring Clark Gable as the warden who dared to bring humanitarianism into his grim duty.

•

NEW HARDY FAMILY PICTURES . . . Continuance of the top entertainment quality in this outstanding family series, with Lewis Stone, Mickey Rooney, Fay Holden, Cecilia Parker, Ann Rutherford, Sara Haden in their familiar roles, based upon the famous characters created by Aurania Rouverol.

•

ZIEGFELD GIRL . . . glamorous cavalcade of American beauty, based upon story by William Anthony McGuire, starring Hedy Lamarr, Judy Garland and Lana Turner.

•

NIGHT IN BOMBAY *(book)* . . . starring Joan Crawford in Louis Bromfield's newest romantic novel, a fascinating story of a girl and two men against the exotic lure of India.

•

EX-MAYOR OF BOYS TOWN . . . sequel to the smash screen hit of last year, "BOYS TOWN", with Spencer Tracy and Mickey Rooney again starred.

•

I MARRIED AN ANGEL *(play)* . . . starring Jeanette MacDonald and Nelson Eddy in the musical romance that thrilled Broadway, based upon the play by John Vaszary with book and lyrics by Rodgers and Hart.

THIN MAN'S SHADOW . . . starring William Powell and Myrna Loy in another adventure of the celebrated screen detective, based upon the famous characters created by Dashiell Hammett.

•

WITCH OF THE WILDERNESS *(book)*... stirring romantic drama of what happens when sophisticated men and women find themselves facing primitive peril, starring Clark Gable and Lana Turner, based upon the novel by Desmond Holdridge.

•

THE YEARLING *(book)* . . . Marjorie Kinnan Rawling's Pulitzer prize novel that has become one of America's literary masterpieces within a span of two best-selling years, the homespun tale of a man and a boy and a deer, to be filmed in Technicolor with Spencer Tracy starred. Directed by Victor Fleming of "Gone With the Wind" fame.

•

TONIGHT AT 8:30 *(play)* . . . starring Norma Shearer. Noel Coward's sensational international hit.

•

THE WORLD WE MAKE *(play)*...starring Norma Shearer and George Raft in the screen presentation of Sidney Kingsley's Theatre Guild stage production, based upon the Millen Brand novel, "Outward Room."

•

TROPICAL HURRICANE... sultry romance in the jungles, starring Robert Taylor and Ann Sothern. Story by Wilson Collison.

•

TORTILLA FLAT *(book)*...John Steinbeck's fascinating portrayal of a quaint people, with Spencer Tracy starred in one of the most appealing characterizations of his brilliant career.

•

BABES ON BROADWAY . . . the bonfire team of Mickey Rooney and Judy Garland invades Broadway with an army of youth and talent that brings back the bright lights to the old White Way.

•

COME LIVE WITH ME . . . Hedy Lamarr and James Stewart teamed in a timely comedy of a beautiful refugee who seeks an American home. Clarence Brown directs from a story by Virginia Van Upp and Patterson McNutt.

•

DAWN'S EARLY LIGHT . . . starring Robert Taylor in the brilliant pageant of American history authored by Dorothy Thompson and Fritz Kortner.

FEELING LIKE A MILLION . . . bringing back the good old days of vaudeville, starring Eleanor Powell and Ann Sothern in a story by Jack MacGowan.

•

BLOSSOMS IN THE DUST . . . story by Ralph Wheelwright of a woman whose inspiring life is dedicated to thousands of motherless children for whom she has found happy homes. Starring Greer Garson in a role recalling her famous Mrs. Chips characterization.

•

BILLY THE KID *(book)* . . . action drama of the Southwest's famous desperado. From the novel by Walter Noble Burns.

•

LULU *(book)*...Booth Tarkington's "Presenting Lily Mars," story of the playwright who wrote his dreams . . . and fell in love with his dream girl. Starring Lana Turner.

•

TARZAN . . . Edgar Rice Burroughs' famous jungle romance flames with new action thrills. Johnny Weissmuller and Maureen O'Sullivan are featured.

•

SLIGHTLY MARRIED . . . starring Robert Montgomery in a madcap matrimonial mixup that starts when a husband and wife decide to test each other's fidelity.

•

MARRIED BACHELOR . . . story by Manny Seff of a marital relations expert who diagnoses his own domestic troubles. William Powell and Myrna Loy star.

•

DR. EPHRAIM McDOWELL . . . stirring saga of a pioneer physician who brings scientific enlightenment to a world of darkness and pestilence. Spencer Tracy will star.

•

HOW TO WIN FRIENDS AND INFLUENCE PEOPLE *(book)*...Dale Carnegie's famous book to be brought to the screen with an all-star comedy cast.

•

THE WORLD'S OUR OYSTER . . . based upon the famous Get-Rich-Quick-Wallingford character. Starring Clark Gable and Myrna Loy.

•

COMBAT CAR . . . drama of the army's mechanized forces, by Lawrence Kimble, with Wallace Beery starred as the veteran cavalry sergeant who has to give up his beloved horses for tanks.

THE YOUNGEST PROFESSION *(book)* . . . by Lillian Day. This is a story of fan's adoration of film stars. Judy Garland plays the role of the star-struck youngster who launches a fan club.

•

GET A HORSE . . . comedy-drama by Herman Mankiewicz and Albert Shelby Levino, of the early days in the automobile industry. Starring Wallace Beery.

•

ARGENTINA . . . the Marx Brothers become wild men of the Pampas.

•

SEA OF GRASS *(book)*...saga of America's great wheat fields, from the novel by Conrad Richter, starring Spencer Tracy and Myrna Loy.

•

STRANGE HONEYMOON *(play)* . . . by Jacques Deval, starring William Powell and Myrna Loy in a Sun Valley setting, where two divorced couples meet in pursuit of happiness . . . and to escape each other.

•

WINGS ON HIS BACK . . . Myles Connelly's story of a barnstorming aviator who writes love letters in the sky. Starring Jimmy Stewart.

•

THE MAN ON AMERICA'S CONSCIENCE . . . dramatic story by Alvin Meyer and Lowell Brodeaux, of the tragic life of President Andrew Johnson who followed Abraham Lincoln into the White House, only to face impeachment when he struggles to preserve the doctrines of the Great Emancipator. Spencer Tracy will star.

•

BEAU BRUMMEL *(play)*...Starring Robert Donat in a screen adaptation of the Clyde Fitch play of the Eighteenth Century gallant whose adventures won for him a pedestal in the history of world romance.

•

CAUSE FOR ALARM *(book)*...exciting novel by Eric Ambler of international espionage and its sinister effect upon the fate of the world today.

•

RAGE IN HEAVEN *(book)*...James Hilton's powerful novel of a bitterly disillusioned husband who seeks, through his own suicide, to entrap his faithless wife.

•

ROAD TO ROME *(play)* . . . gay picturization of a modern Hannibal storming the gates of Rome, from the capricious play by Robert Sherwood.

The
METRO-GOLDWYN-MAYER'S
LION'S ROAR

Published in this space every month

The greatest star of the screen!

You are now reading a special issue for the trade of the most famous magazine advertising column in America.

★ ★ ★ ★

Research authorities who make those surveys of housewives, etc., advise us that it's the most widely read ad of its size in the national publications and GROWING by leaps and bounds.

★ ★ ★ ★

This column appears once a month in preferred positions in the following magazines:

True Story
Cosmopolitan
Ladies' Home Journal
Red Book
American Magazine
Look
Parents' Magazine
Saturday Evening Post
College Humor
Liberty
Country Gentleman
Successful Farming
Capper's Farmer
Farm Journal and Farmer's Wife
Progressive Farmer and Southern Ruralist

★ ★ ★ ★

Every month Leo the M-G-M Lion chats breezily with the public about current pictures with special emphasis on STARS.

★ ★ ★ ★

The first thing you ask about a picture and the first thing your patrons ask is "Who's in it?"

★ ★ ★ ★

M-G-M's got BIG properties but also BIG STARS to put into them.

★ ★ ★ ★

More than most other companies combined.

★ ★ ★ ★

It would take a whole fan magazine to illustrate them.

M-G-M has under contract 43 Featured Players in addition to the 26 Stars on these pages.

★ ★ ★ ★

Meet the folks!

CLARK GABLE
They go for him!

NORMA SHEARER
Watch for "Escape"!

ROBERT TAYLOR
Bigger than ever!

JOAN CRAWFORD
Darling of the fans!

SPENCER TRACY
That man can act!

JEANETTE MacDONALD
In a class by herself!

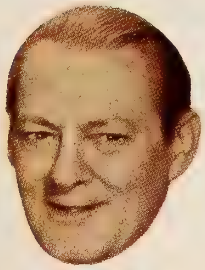
NELSON EDDY
Screen, radio, concert world!

MICKEY ROONEY
Need we say more?

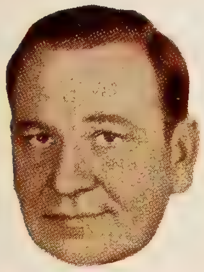
JUDY GARLAND
Everybody's Baby!

JAMES STEWART
A regular guy!

MYRNA LOY
She's got appeal!

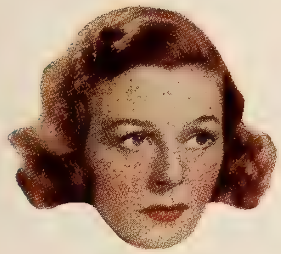


LIONEL BARRYMORE
American idol!



WALLACE BEERY
Right down their alley!

HEDY LAMARR
Isn't she beautiful!



MARGARET SULLAVAN
Heart appeal!

ELEANOR POWELL
Keep America dancing!

WILLIAM POWELL
Gee, you're swell, Bill!

KATHARINE HEPBURN
A style of her own!

ROBERT DONAT
Prize winner!

ROBERT MONTGOMERY
Better than ever!

ROSALIND RUSSELL
She's popular!

MARX BROTHERS
The public needs you!

GRETA GARBO
"Ninotchka" made her topchka!

GREER GARSON
Adorable "Mrs. Chips"!

LANA TURNER
Going up!

ANN SOTHERN
Maisie's a winner!

When you've got a line-up of Stars like these your name is Big Chief Sitting Pretty.

★ ★ ★ ★

And signing a contract with The Friendly Company is just the beginning.

★ ★ ★ ★

There's no outfit in the business that's so conscious of merchandising as M-G-M.

★ ★ ★ ★

Direct to the public through magazine and newspaper advertising.

★ ★ ★ ★

Cooperation with theatres through the biggest permanent field force of exploiteers in the industry.

★ ★ ★ ★

New ideas continuously and the willingness to spend money to improve our services.

★ ★ ★ ★

Call on me anytime! —*Leo*

DREAMO
1 36 22 7 88
57 61 71 42 30
64 89 FREE PLAY 77 84
97 52 19 6 93
32 73 45 14 92

DON'T PLAY DREAMO FOR PRODUCT!

Be sure with M-G-M in 1940-41!

Exhibitors Tell Arnold Decree Is Not Wanted

(Continued from page 1)

O.A. and with Robert Wilby of Wilby-Kincey Circuit and Fred Kent of [illegible]rks Circuit, Jacksonville, Fla., representing Paramount theatre associates, was held first.

Arnold split up the conferees by groups which later met with him in the following order: New York I.T.O.A., represented by Harry Brandt, Leo Brecher, Nat Wachsberger and Melvin Albert; M.P.T.O.A. and its affiliated regional organizations and the spokesmen for Paramount theatre associates, and Allied States representatives, comprising a third group.

M.P.T.O.A. Delegation

In the M.P.T.O.A. delegation were: Kuykendall, president; Fred Wehrenberg, Eastern Missouri M.P.T.O.; Nat Williams, Southeastern Theatre Owners Association, and Roy Walker, Texas M.P.T.O. At the same session were Kent and Wilby of Paramount; Robert White of Portland, representing the Pacific Coast Conference of Independent Theatre Owners, and Stanley Summer of Cambridge, Mass., representing the M.P.T.O. of New England.

Others were: Thomas McGuire of Detroit, representing Cooperative Theatres of Michigan, and Louis Wade of Fuquay Springs, N. C., appearing as an individual exhibitor.

In the Allied delegation were: Abram F. Myers, chairman and counsel; Nathan Yamins and Harold Stoneman of Boston and Sidney Samuelson of New Jersey.

The exhibitor spokesmen, other than Allied, reported that they regarded the decree as having many provisions which will be burdensome to the small exhibitor and which would drive many of them out of business. Arnold was said to be insistent that this was the best decree which could be negotiated.

May Go to Court

Some of the exhibitor spokesmen discussed the possibility of going into court for injunctive relief to keep the decree from being made operative but Kuykendall said that before M.P.T.O.A. could take such a stand the executive committeee of the organization would have to be consulted. He indicated, however, that the organization would take some action to prevent the decree from being made effective in its present form. He said either the committee will be called into session or polled by mail at once.

Max Cohen of New York Allied, an M.P.T.O.A. affiliate, said he told Arnold he favored trial of the suit rather than the present consent decree and made further suggestions that as the trial proceeded some method of relief for small exhibitors would become apparent and this could become the basis for a settlement or decree.

Arnold is understood to have rejected this suggestion, indicating repeatedly that the decree as it now stands represents the best that can be done.

Assisting him at the hearings were Abe Feller, Robert Sher, James Hayes and Robert Wright.

It was indicated at the meeting that the Government believes the exhibitors properly should present their objections to Federal Judge Henry W. Goddard when the decree comes before him for approval and permit the court to make whatever changes it believes to be necessary.

Brandt's group suggested that the whole matter be opened for a trade practice conference and Cohen suggested that the exhibitors confer with the distributors and try to arrive at a better solution. Arnold rejected both proposals.

Formal statements were filed with the department by the exhibitor groups setting forth their views. Arnold promised that they would be given every consideration and added that the door would remain open to the exhibitors for at least two weeks to come in with further suggestions. The department's decision must be made within that time as the case is on the docket for trial next month, he reminded them.

Times Lauds Frank Walker

(Continued from page 1)

tinuous labor and easy to resign. An old and intimate friend of Mr. Roosevelt's, he has accepted from him certain duties at Washington; for example, he was executive secretary of the President's Executive Council and of the National Emergency Council, names now pretty well forgotten. In the confusion or competition of so many Federal activities from time to time efforts were made to bring them into harmonious combination. Mr. Walker was a favorite coordinator. He has now become ordinator of the postal service, where he can be trusted to continue the successful administration of Mr. Farley.

More fortunate than Mr. Farley, Mr. Walker has been able to preserve a reasonable amount of dollars and can apply himself comfortably to the benefit of humanity. Of the Roosevelt Men Before Chicago he was one of the earliest. He was one of three raisers of a fund of no great size to promote the Roosevelt boom. A cool-headed pioneer in that movement, he has no share in the fads and fanaticisms of some of its acolytes. He takes the new job as a matter of friendship. He is a good man to have in a Cabinet, which, after much repairing and replacement, still contains, in the opinion of many, a certain amount of poor material.

No Comerford Change Due To Appointment of Walker

Frank Walker

No executive changes in the Comerford Circuit organization will be occasioned by President Roosevelt's appointment of Frank C. Walker to the Cabinet as Postmaster General, it was stated at Walker's office here yesterday.

The appointment of Walker is scheduled to come before the Senate for confirmation this week.

J. J. O'Leary, general manager of the Comerford Circuit, will be in charge of all operations and will handle whatever duties Walker is obliged to give up by reason of his new appointment. Walker will be officially inactive in the circuit management but does expect to continue to give some part of his time to its affairs.

John Nolan continues as film buyer for the circuit and William Cronin as assistant to Walker. Executive headquarters will remain in Scranton and the New York offices at 1600 Broadway will be retained.

Walker has been active in Democratic national committee affairs and has held several Administration posts during the past seven years. The last of these was chairman of the National Emergency Council, a coordination of Federal relief agencies, a post he relinquished in 1937 in order to devote more time to the Comerford circuit. He was a nephew of the late M. E. Comerford, founder of the circuit. Born in Plymouth, Pa., 54 years ago, he attended Gonzaga University and Notre Dame and spent many years in Montana. Walker practiced law there and served in the Montana legislature. He was treasurer of the Democratic National Committee during the last two campaigns.

Government Stand Puzzles Exhibitors

(Continued from page 1)

partment of Justice, outlining the position of the M.P.T.O.A. stated that 90 per cent of the country's exhibitors oppose the decree, and asked for a 25 per cent unrestricted cancellation right. This the Kuykendall statement asserted would fulfill the exhibitors' desires for community selectivity, which is ignored by the terms of the proposed decree.

The proposed buying method under the decree is "block booking with a vengeance," it is stated by Kuykendall in his brief.

Robert B. Wilby, Paramount partner and leader of the Paramount theatre associates in their fight on the decree attacked the buying and trade show provisions of the proposed pact, in his brief filed with the Department of Justice.

With Fred Kent, Wilby leaves tonight for New York to confer with company officials and other theatre associates in the east.

Grosses Zoom to Broadway Record

(Continued from page 1)

mate theatres now operating reported standees at all performances and there were capacity turnouts for baseball, racetrack and tennis games.

Broadway film managers reported that the three days broke records of from five to 10 years standing. It was pointed out that both indoor and outdoor amusements were at a peak although the cool weather and occasional rains kept many away from the beaches.

The rush of business kept lines at the first run houses constantly and thousands were reported turned away because of the long waiting periods. Capacity was reached in most houses on Saturday and it continued until about 6 P. M. Monday, when the crowds thinned somewhat.

"Rhythm on the River" with Ken Murray, Will Bradley's band and Tito Guizar on the stage brought the third largest week's gross to the Paramount since the adoption of the name band policy five years ago. With an estimated $39,000 for the weekend, the Paramount drew an estimated $65,000 for the week.

"He Stayed for Breakfast," with a stage show, was a smash hit at the Roxy, where its grossed an estimated $48,000 for the first four days. "Foreign Correspondent" came through at the Rivoli with an estimated $34,000 for its first week. The three films, "Rhythm on the River," "He Stayed for Breakfast" and "Foreign Correspondent" will be held indefinitely.

Two of the films on view were in their fourth weeks and drew top figures. With an estimated $55,000 for the weekend, "Pride and Prejudice" with a stage show at the Music Hall grossed an estimated $76,000 for the first five days of its fourth week and should finish its final week tonight with an estimated $101,000 as big or bigger than its first week. At the Strand "The Sea Hawk" with Phil Spitalny's band on the stage took an estimated $29,000 for the first four days of the fourth week.

"Lucky Partners" will go into the Music Hall tomorrow and "No Time for Comedy" with Larry Clinton's band on the stage will bow at the Strand Friday.

At the Globe, "River's End" grossed an estimated $5,500 last week and "Flowing Gold," which opened there Saturday drew an estimated $8,800 over the weekend.

Silverstone at Coast For 'Dictator' Talks

Maurice Silverstone, United Artists chief executive, will arrive in Hollywood by train this morning for conferences with Charles Chapiln on the sales policy for "The Great Dictator."

Harry Gold and L. J. Schlaifer, United Artists vice-president and general sales managers, and Lynn Farnol, advertising and publicity director, preceded Silverstone to the Coast and will participate in the conference.

'Rockne' Preview Today

A special preview of Warners' "Knute Rockne—All American," will be held this afternoon for members of the All-Star football team which plays the New York Giants tonight at the Polo Grounds.

"INCORPORATION OF THE **BAPTISM OF FIRE** SEQUENCES IN 'THE RAMPARTS WE WATCH' IS LIKE SUPER-CHARGING AN ALREADY TREMENDOUSLY POWERFUL VEHICLE."

—FILM DAILY

H. V. Kaltenborn, famed radio commentator and student of propaganda methods, and Major George Fielding Eliot, outstanding U.S. military analyst, agree that "a way must be found to show *Baptism of Fire* to the American public."

SAYS H. V. KALTENBORN:

"As Americans, we must be prepared in our minds as well as in our arms. **Baptism of Fire** was produced to inspire terror in the prospective victims of German aggression. We must learn how to meet and resist Hitler's propaganda as well as his airforce."

SAYS MAJOR ELIOT:

"When incorporated in 'THE RAMPARTS WE WATCH', the Nazi film **Baptism of Fire** takes on a meaning which the Germans did not foresee. Instead of terror it inspires in the hearts of free men and women a hatred of Nazi methods and a grim resolution to defeat them!"

1940

APRIL . . .

HITLER'S MOST POWERFUL FIFTH COLUMN WEAPON

Baptism of Fire, a new Nazi propaganda film produced by the German State Film Trust, is designed to terrorize the officials of countries which Germany is about to conquer. Leland Stowe, famed foreign correspondent for the Chicago Daily News reports the film's terrifying effect upon high Norwegian Government officials just prior to the Nazi invasion. **Baptism of Fire** also used to "soften" neutral Belgium and Holland. The film was shown effectively to King Carol of Romania.

JULY . . . .

SEIZED BY THE BRITISH AS CONTRABAND OF WAR

Vast quantities of Nazi propaganda material seized by British Contraband Control officers at Bermuda, Gibraltar, Hong Kong and Port Said. Among seizures are prints of the notorious Nazi propaganda film **Baptism of Fire.**

AUGUST . .

ANALYZED AND EXPOSED ON NATIONWIDE BROADCAST

H. V. Kaltenborn, in an exclusive NBC news report, reveals that Nazis are recruiting Fifth Columnists at U. S. showings of **Baptism of Fire.** New York agents of German Film Trust admit screenings for Nazi sympathizers in New York, Chicago, St. Louis and Milwaukee.

SEPTEMBER

NAZI OFFICIALS SEEK TO BAN OWN TERROR FILM AS "UNFAIR TO GERMANY"

A spokesman of the German Embassy at Washington says: "**Baptism of Fire** when shown as part of **'THE RAMPARTS WE WATCH'** is misleading. Rights to show our picture in this way must be denied".

BUT AMERICA WILL SEE IT IN . . .

"THE RAMPARTS WE WATCH"

A NEW KIND OF MOVIE . . . FIRST FEATURE PICTURE PRODUCED BY THE MARCH OF TIME

Studios Have 41 New Films Now Shooting

HOLLYWOOD, Sept. 3.—Forty-one pictures were before the cameras this week, as 12 started and 10 finished. Twenty-four were being prepared, and 68 were being edited.

The tally by studios:

Columbia

Finished: "Ghost Guns."

In Work: "Alias the Lone Wolf," "Passage West."

M-G-M

Finished: "Third Finger, Left Hand."

In Work: "Bittersweet," "Go West," "Flight Command," "Little Nellie Kelly," "Hullabaloo."

Started: "Comrade X."

Monogram

In Work: "Drums of the Desert."

Started: "Six Shooting Serenade."

Paramount

In Work: "Virginia," "D. O. A.," "Second Chorus," "The Round Up."

Started: "I Wanted Wings."

RKO

Finished: "The Fargo Kid."

In Work: "Little Men," "Citizen Kane," "You'll Find Out," "No, No, Nanette."

Started: "Kitty Foyle," "Li'l Abner."

Republic

Finished: "Melody and Moonlight," "Young Bill Hickok," "Frontier Vengeance."

In Work: "Hit Parade of 1941."

Loew-Lewin

Started: "Flotsam."

20th Century-Fox

Finished: "Jennie."

In Work: "The Californian," "Chad Hanna," "Hudson's Bay."

Started: "Tin Pan Alley."

Universal

Finished: "Meet the Wildcat."

In Work: "Seven Sinners," "The Green Hornet Strikes Again," "Fireman, Save My Child," "Give Us Wings," "Boss of Bullion City."

Started: "Flying News," "Caribbean Holiday."

Warners

Finished: "East of the River," "Four Mothers."

In Work: "Meet John Doe," "Santa Fe Trail," "High Sierra."

Started: "Father Knows Best," "The Lady with Red Hair."

Producers Releasing

Started: "Billy the Kid and the Law."

Observe Theatre's End

City officials and prominent theatre men attended a buffet luncheon yesterday in the lobby of the RKO Trent in Trenton, N. J., occasioned by the closing of the theatre after 37 years. The house will be demolished and a new one erected. Among those at the luncheon were Walter Reade, John J. O'Connor and James Brennan.

Kleinman Rites Held

Funeral services were held at the Stephen Merrit Funeral Parlor last night for Harry Kleinman, 54, building superintendent at Loew's 167th St. Theatre, who died on Sunday. Burial will be at the Cypress Hills Cemetery at 2 P. M. today.

Hollywood Reviews

"Argentine Nights"

(*Universal*)

HOLLYWOOD, Sept. 3.—As if to find out once and for all whether the current hue and cry for mirth-and-music pictures is founded in solid demand, Universal has poured into this enterprise just about as much and as many kinds of these as could be compressed into 80 minutes. Here are the Ritz Brothers three with their turbulent talents on full-tilt display, and here are the Andrews Sisters, also three, bringing from radio their hot harmonies for their first film performance.

Here are nine songs, approximately as many dances, and here are gags, verbal and physical, some good, some excellent and some others, strung together on a story-thread about as important to what goes on as the musical comedy plot of ye olde footlight extravaganza ever needed to be. Here, too, are Constance Moore, much in the syndicated columns recently, George Reeves, Peggy Moran, Anne Nagel, Kathryn Adams, Ferike Boros, Paul Porcasi and many another, inclusive of bands, choruses, crowds, mobs and just people.

Producer Ken Goldsmith and director Albert S. Rogell, using material supplied by five writers, keyed the tempo high at the start of the proceedings and kept it there. A meeting of creditors fashioned after a political convention starts the clowning off with a bang, the activities moving thereafter from New York to shipboard and on down to the Argentine.

The Andrews Sisters balance the Ritz Brothers nicely, in about the same kind of stuff, while Miss Moore and Reeves take care of a romantic angle which doesn't get in any comedian's way. Eight writers, working in varied combinations, supplied the nine song numbers, at least two of which could turn out to be hits.

Running time, 80 minutes. "G."* ROSCOE WILLIAMS

"The Leatherpushers"

(*Universal*)

HOLLYWOOD, Sept. 3.—As the first of Universal's 1940-41 series of melodramas starring Richard Arlen and Andy Devine, "The Leatherpushers" rings the gong as one of the funniest prizefight films ever made in its classification. It provoked laughs from start to finish at its Los Angeles preview, and the climax shows one of the most hilarious fights ever filmed.

The dialogue contained in the screenplay by Larry Rhine, Ben Chapman and Maxwell Shane is sprightly, typical being the remark of one character to another: "If you had one kind instinct, it would be in your wife's name." Direction by John Rawlins of the Ben Pivar production is concise and eliminates all extraneous matter.

Only girl in the cast is Astrid Allwyn, sports reporter whose aim is to carry on the rehabilitation camp for broken down fighters that her father started. Supplying most of the comedy is Shemp Howard as the "slug nutty" ex-boxer, and he is assisted by Horace MacMahon, Eddie Gribbon and George Lloyd.

Included in the support is Douglas Fowley, Charles D. Brown, Charles Lane, Wade Boteler, Frank Mitchell, Reed Kilpatrick and Ben Alexander.

The plot concerns the attempt of Arlen, managed by Miss Allwyn, to break up a ring of fight fixers.

Running time, 64 minutes. "G."* VANCE KING

"G" denotes general classification.

'Howards' in Four Theatres Tonight

A fourth theatre will be utilized for tonight's premiere of "The Howards of Virginia" in Richmond, at the Byrd, State, Westhampton and Capitol.

Festivities will begin with the arrival at the Deep Water Terminal of Frank Lloyd, producer and director of the film, and Martha Scott, feminine star, on a yacht accompanied by the U. S. destroyer, *Barney*. Events will include a luncheon by Mayor Gordon Ambler; the reenactment of Patrick Henry's Liberty-or-Death oration; dancing and a pageant at Byrd Park, and finally a "Howards of Virginia" ball at the John Marshall Hotel.

Lloyd and Miss Scott will be guests of honor at each event and will make a personal appearance at each of the four theatres.

Time Will Defend 'Ramparts' Suits

(*Continued from page* 1)

many against a European subsidiary of the company with which the circuit in question is affiliated.

Subsequently, De Rochemont was notified by Ufa Films, Inc., American distributor of the German propaganda film, that attorneys had been instructed to bring suit "at once" against March of Time and that RKO had been warned of possible similar action against it.

De Rochemont said the German scenes, which were acquired from John Grierson, Canadian film commissioner, after having been seized by the British alien property custodian at Bermuda, would remain in "The Ramparts We Watch."

The Home Stretch

SAN FRANCISCO, Sept. 3.—Striving to attain the highest possible attendance during the fair's closing weeks, the exposition management has installed the theatre giveaway game, "Ten-O-Win," as a nightly attraction on the Gayway during September, with $1,000 in cash prizes each night. More than 1,000,000 chances have been distributed free through northern California department and chain stores. In order to avoid possible legal conflict with theatres using the game, the fair calls it "Pirate's Treasure."

Cincinnati Unions Set New Contracts

CINCINNATI, Sept. 3.—After negotiations extending over several weeks, agreements have been reached between theatremen and union operators in both the major and independent classifications, effective Sept. 1, on expiration of previous contracts. Details, however, were not made available, beyond the statement that "there was some slight change."

Contract of the independents, executed Sept. 1, 1939, was on a two-year basis, and provided for certain upward revisions to become automatically effective on the corresponding date this year, and, while it is believed that this revision was waived or reduced from the original figures, the unusual secrecy apparently pledged by all concerned makes confirmation impossible from any authoritative source.

It is known, however, that the imposition of Federal admission taxes and other industry conditions prevailing this year were the subjects of considerable discussion in the negotiations.

National Defense Unit Meets Today

The exhibitor council to cooperate with Government agencies in national defense activities in the theatres will meet today at the RKO board of directors room.

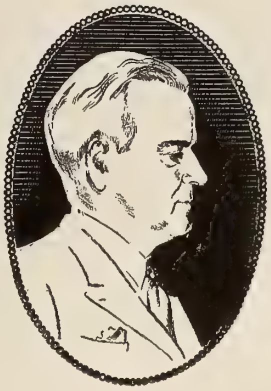
Members of the committee include: Joseph Bernhard, Warners; Harry Brandt, I.T.O.A.; H. A. Cole, Allied States; Leonard Goldenson, Paramount; Ed Kuykendall, M.P.T.O.A.; C. C. Moskowitz, Loew's; Robert H. Poole, Pacific Coast Conference I.T.O.; Spyros Skouras, National Theatres; L. E. Thompson, RKO; Walter Vincent, M.P.T.O.A., and Nathan Yamins, Allied States.

Pathe Sets Dividend

The regular quarterly dividend of $1.75 per share has been declared by the board of directors of Pathe Film Corp. on the $7 convertible preferred stock. The dividend is payable Oct. 1 to stockholders of record Sept. 23.

Allow Standing Room

LONDON, Sept. 3.—Standing in theatres, hitherto forbidden in Middlesex, is now to be allowed. It will be limited to the rear gangways of picture houses.



The Martin Quigley twenty-fifth anniversary edition of Motion Picture Herald is to be both the meeting place of vital personalities and institutions, and, most importantly, also the show-window of the great motion picture industry, for the world to read and see

Issue of
September 28

Web Grosses In August Top Month in 1939

Network gross billings for the month of August continued the year's trend and were well ahead of the same month last year. NBC-Red was the top ranking web for the second consecutive month but CBS billings for the first eight months cumulatively were still first. Mutual's August billings also showed a substantial increase.

For August, the NBC total for both networks was $3,738,262, a rise of 12.9 per cent over August, 1939. The Red grossed $3,072,338, up 12.2 per cent, while the Blue took $665,924, up 15.9 per cent. Cumulatively, for the first eight months, both networks grossed $32,128,576, an increase of 10 per cent, while the Red grossed $25,541,086, up 8.2 per cent, and the Blue, $6,587,490, up 17.8 per cent.

CBS gross billings for August were $2,875,657, an increase of 22.8 per cent over the same month last year and were $26,404,427, up 22.2 per cent, for the first eight months.

Mutual showed an increase of 10.9 per cent for August with gross billings of $227,865. For the first eight months, Mutual grossed $2,494,370, a rise of 21.9 per cent.

Ascap in Five-Year Contract with KFWB

Ascap disclosed yesterday that Warners had signed a new five-year licensing agreement for KFWB, Los Angeles, Warner-owned station. The deal was set by John G. Paine, Ascap general manager, and Harry Maizlish, KFWB general manager.

In commenting upon the new license, Maizlish declared that, "Aside from our obligations under the broadcasting license granted to us by the FCC, which requires a station to operate in the public interest, we consider it only good business to supply the demands of the people. Warners have always maintained this policy in their motion pictures and theatre activities and they are following the same idea in the operation of KFWB."

Tour by Wanger Will Begin Friday

Walter Wanger will begin his cross country speaking tour on films and related subjects following the opening of "Foreign Correspondent" in Philadelphia on Friday.

John LeRoy Johnston, press representative for Wanger, will arrive from the Coast today to complete arrangements for Wanger's itinerary. The tour will take the producer to principal Eastern cities first, then into the Middle West and will end on the Coast.

'Bagdad Day' at Fair

The New York World's Fair has designated today as "Bagdad Day," honoring Sabu and June Duprez, stars of the Alexander Korda-United Artists color film "The Thief of Bagdad," who arrived here from the Coast over the weekend.

Off the Antenna

THE FCC plans to call a conference in the near future to consider the problem of interference caused by diathermy operation, E. K. Jett, chief engineer for the commission, told the 19th annual session of the American Congress of Physical Therapy in a speech earlier this week.

Pointing out that the FCC recognized the need for diathermic treatment and did not wish to curtail it, Jett stressed the need for regulation to prevent abuses. After the medical profession has agreed on the most effective region of the radio spectrum, the FCC will find a suitable frequency, Jett said. Details concerning the apparatus will be fixed by cooperative efforts of all interested parties.

• • •

Purely Personal: *Wynn Murray, star of "American Jubilee" at the World's Fair, will be guest on "Musical Americana" Tuesday over NBC-Blue. . . . Jimmie Lunceford, the band leader whose programs are now being heard thrice weekly over CBS, has received an airplane pilot's license. . . . John Nesbitt will start "Passing Parade" over WABC for Gordon Baking Co. shortly. . . . Mary Margaret McBride will start a new series of talks over CBS Sept. 30. . . . Gerald Holland, of the NBC script department, resigned yesterday to do free-lance writing.*

• • •

WHOM last night shifted from 250 watts full time to 1,000 watts, day, and 500 watts, night. Joseph Lang, general manager, said that the transmitter was made by Western Electric and employed the Doherty circuit with a vertical radiator antenna. The new transmitter is at the Hudson River near the foot of Washington St., Jersey City.

• • •

Program News: *The largest single contract for the Mutual network, and the largest twice weekly hookup for a commentator series was signed yesterday when American Safety Razor Co. engaged 93 Mutual stations for Wythe Williams. He will be heard Tuesdays and Thursdays from 8-8:15 P.M. Federal Advertising Agency handled the account. . . . "Midnight Classics," a recorded program, which gave way to a news program over WBNX for the past few weeks has been restored to its 12 A.M. spot. . . . "Big Sister" will start its fifth year on CBS Monday, Sept. 16.*

30 South African Houses Built in Two and Half Years

By SHERWIN A. KANE

Approximately 30 theatres have been erected in South Africa at a cost of $3,500,000 in the two and one-half years since 20th Century-Fox opened its own office at Johannesburg to serve that market, Otto W. Bolle, the company's managing director there, reported on his arrival at the home office yesterday.

20th Century-Fox has no financial interest in the newly built theatres but encouraged the investment of private capital which made them possible by giving assurances of a product supply to independent exhibitors, Bolle said. Three additional theatres are in construction in the Cape Town and Pretoria areas and two more are planned for sites in Rhodesia but construction has been held up because of the European war. About 10 more theatres are planned for other parts of the territory, Bolle said, which will about complete the building program and new theatre possibilities of the market.

United Artists also is selling to the newly built theatres in the territory. Product of other companies, for the most part, is under contract to the I. V. Schlesinger circuit.

Bolle described business conditions in the territorv as "very good." For this reason, and also because the market is the world's richest gold source, there has been no necessity for invoking restrictions on export of currency, as has been done in many other parts of the world recently. Theatre business has continued at normal throughout the war period, Bolle reported. American and British product is used exclusively throughout the Union. Performances are confined to one show an evening in most first runs, with admission scales of from 35 cents to $1. Theatres are closed throughout the territory on Sundays.

Films comprise virtually the only public entertainment, due to the fact that "live" talent for stage, floor shows and hotels is difficult to obtain.

This is Bolle's first visit to the home office since he opened the 20th Century-Fox branch in Johannesburg in November, 1937. After conferences with W. J. Hutchinson, 20th Century-Fox foreign department head, Bolle will begin a three-month vacation in the Midwest.

Kirsch Lauds B & K For Ending Triples

CHICAGO, Sept. 3.—Jack Kirsch, as president of Allied of Illinois, has issued the following statement: "We commend Balaban & Katz for their action in eliminating triple features in the Belmont and trust we shall have an announcement from them in the near future of the complete abolishment of triples at their other houses, to be followed by a return to single features as the next progressive step."

Sues Over Program

WILMINGTON, Del., Sept. 3.—Floyd Buckley has filed suit in Federal court here against the Music Corp. of America, General Mills Corp., and NBC, asking $250,000. Buckley charges he wrote a radio program under the titles of "Stump the Leader" or "Beat the Drum," and that it was turned over to the Music Corporation and subsequently was used by Ted Weems over an NBC hookup on a General Mills program.

Early Color Television Is Seen by Fly

WASHINGTON, Sept. 3.—The possibility that television will achieve color much more quickly and easily than did motion pictures was seen today by Chairman James L. Fly of the Federal Communications Commission in the experimental work now going on in the radio industry.

Fly referred specifically to research now being conducted by CBS. Through which it has already achieved color transmission on a single band.

The FCC chairman saw a demonstration of color television in New York last week and returned to Washington much enthused over its possibilities, although he warned today that it is still purely experimental and much development work remains to be done.

He appeared to believe, however, that the first great hurdle had been overcome when the way was found to put different colors on a single channel, as opposed to the previous belief that three channels would be neccessary. The CBS method is expected to be put on the air experimentally by next January.

Monogram Prepares West Coast Offices

HOLLYWOOD, Sept. 3.—Hammers were flying today as workmen remodeled the International studios to accommodate the move of Monogram from the Talisman studios which started over the weekend in preparation for the arrival of company executive departments being transferred from New York.

W. Ray Johnston, president; Peter Friedhoff, treasurer; Paul Malvern, producer; and the publicity department headed by William Peirce, were the first to be ensconced in the new quarters.

Court Dismisses Suit Of Ousted I.A. Men

HOLLYWOOD, Sept. 3.—Superior Court Judge Reuben Schmidt today dismissed without prejudice to a renewal the suit of 16 studio workers expelled from the I.A.T.S.E. who sought $45,000 each from the union. The plaintiffs charged that their expulsion from the union prevented their working on the lots.

Judge Schmidt supported the contention of the I.A. leaders, who were represented by George Breslin, attorney, that no cause of action existed. There were indications that the men, headed by George Davis, may file a new suit.

Metro Leases Space

CHICAGO, Sept. 3.—M-G-M has leased 22,000 square feet, the entire fifth floor and half of the first floor of the Warner building here. The fifth floor will be air-conditioned, and the lower floor equipped with fireproof vaults. The total rental is reported at $135,000, beginning Jan. 1.

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

L. 48. NO. 47 NEW YORK, U. S. A., THURSDAY, SEPTEMBER 5, 1940 TEN CENTS

Television in Color Amazes Press Group

Skeptics See CBS Method Reality Soon

By EDWARD GREIF

Color television was demonstrated yesterday by CBS to a group of newspapermen who came with an attitude which was frankly skeptical and left discussing the achievement with amazement and wonder.

Although not yet a completed commercial development, the laboratory demonstration left little doubt that television in full color will soon be a reality. Jan. 1 was the date set tentatively by Dr. Peter C. Goldmark, the developer of the new system, at which broader use could be made of his discoveries but it was emphasized that no precise time could be fixed.

The new system operates on the principle that the eye will retain and merge three separate color pictures into one complete image. Most of the previous research on color had proceeded along the line that it would be necessary to use three frequency bands, each transmitting a separate color, and that the colors could be merged by a synchronizer in the receiving set. Goldmark's system, however, by transmitting each of the primary colors separately and allowing for the retention of the image by the retina of the human eye, succeeds in transmitting the picture within the single 4½ m.c. channel.

The cost of an attachment to the receiver which would permit it to re-

(*Continued on page* 11)

Richmond Warmly Greets 'Howards'

By SAM SHAIN

RICHMOND, Sept. 4.—It is Richmond Day here, in honor of the world premiere tonight in four of the leading theatres of the city of Frank Lloyd's "Howards of Virginia." Thousands of tourists, many Hollywood celebrities, state, city and out-of-town personalities, including journalists from various parts of the country are here for the celebration. More than a score or more of newspaper representatives from New York, Washington, Baltimore, and Philadelphia were the guests of Columbia Pictures for the

(*Continued on page* 5)

Government May Drop Block-of-Five Provision

Justice Dep't Likely to Bow to Protests of Exhibitors, Asking Big 5 to Continue Block Booking with Cancellation

WASHINGTON, Sept. 4.—That the Department of Justice may bow to the views of exhibitors and ask the Big 5 to continue straight block booking with trade showings and cancellation privileges of 10, 15 and 20 per cent for a trial period after the effective date of the proposed decree, rather than the presently proposed provision of unit selling in blocks of five, was indicated here today.

The determined stand against the selling provisions of the proposed decree which was made at yesterday's hearing before Assistant Attorney General Thurman Arnold by exhibitors from all over the country and the sincerity of their opposition are described by spokesmen as having impressed deeply officials of the Department of Justice.

The Department of Justice, it is stated, would like to dispose not only of the New York anti-trust case as quickly as possible, but also of other monopoly suits which are pending against various parties and companies in the industry. In view of this, officials assert that the chances are good, that the exhibitors' views will be given practical consideration by the Government.

Should the Government fail to do

(*Continued on page* 5)

Trust Suit Cost U. S. $150,000 Thus Far

The Federal anti-trust suit against the industry has cost the Government more than $150,000 to date, exhibitor representatives who attended the consent decree hearing in Washington on Tuesday were told.

They were advised also that the Government believes 10 to 12 years may be required to finally determine the issues raised by the suit. Because of these cost considerations, it was intimated, the Government is no more anxious than are the defendant companies to proceed with trial of the suit.

Columbia Net Up to $512,185 for Year

Columbia Pictures Corp. yesterday reported net earnings for the 52 weeks ended June 29, 1940, of $512,185.72 after all charges and provision for Federal income and other taxes. The net compares with earnings for the corresponding period ended July 1, 1939, after all charges and provisions of taxes, of $2,046.76.

The earnings for the current year

(*Continued on page* 5)

Settle Philadelphia Musicians' Strike

PHILADELPHIA, Sept. 4.—Acting on the recommendation of James C. Petrillo, president of the American Federation of Musicians, the executive board of the local musicians union today accepted an offer from Warner Theatres ending the 10-month-old strike against the circuit here.

The terms of the settlement call for musicians to return to the Earle only, playing the seventh day, on Sunday, at the Stanley in Camden, N. J., with no music provided at the Fox or any neighborhood houses.

However, Warners have increased the music bill for the Earle and Stanley to $92,500 from $72,000. The union had been insisting on at least one or

(*Continued on page* 5)

Samples of Refreshment Now Tempt Philadelphia Patrons

By M. H. ORODENKER

PHILADELPHIA, Sept. 4.—On the heels of bank nights, dishes, encyclopedias and, more recently, Sears Roebuck merchandise coupons, local patrons are now being offered free refreshments with their ticket purchases. Coffee, candy and soft drink manufacturers are testing a plan of sampling theatre audiences to introduce their product, considering it more economical and effective than house-to-house, street corner or direct mail sampling. And for the most part, the sampling is done at no expense to the exhibitor.

At the present time, Nestle's Milk Products, Inc., has turned to theatre sampling of its new coffee product, Nescafe, considering it more satisfactory than newspaper or store advertising. The sampling is being done direct by H. L. Robinson, Nestle's manager here, and about 60 houses, mostly Warner theatres, will be covered. This is the first time that the company has tried film sampling and the early results of the first 12 houses are so gratifying that it may be extended on a national scale. Nestle's covers all costs and asks for no screen trailer.

Pepsi-Cola is also calling upon the patron to taste its soft drink product,

(*Continued on page* 5)

Walker and Brown At Funeral for Fay

PROVIDENCE, Sept. 4.—Postmaster General designate Frank C. Walker and Colvin Brown of the Quigley Publishing Co. headed the delegation representing the film business which today attended the funeral of James T. Fay in nearby Riverside, R. I.

Fay was the brother of Edward M. Fay and Bernard E. Fay and with them had been associated in the operation of a group of theares here for the past 20 years.

Other representatives of the trade who attended the services were Thomas E. Comerford and John Nolan, both of the Comerford Circuit; William Sussman, Eastern sales manager of 20th Century-Fox; Thomas Bailey and Matty Simon of the Boston office of 20th Century-Fox, and Howard Burkhardt of Loew's Orpheum, Boston. Local managers who attended were Edward L. Reed, Edward McBride, Samuel Kaufman, Albert J. Clarke, William Brown and Martin Toohey.

Producers Study Problems of Draft

HOLLYWOOD, Sept. 4.—Members of the Association of Motion Picture Producers last night discussed with Will Hays, president of the M.P.P.D.A., the problems created by the conscription bill now pending in Congress, as well as labor matters.

At the regular monthly meeting, attended by all members with the exception of Joseph M. Schenck and Walter Wanger, who are in the East, the current negotiations with the Screen Writers Guild over the bargaining contract also were taken up. Following the meeting, which ended in the early hours of this morning, the following statement was issued:

"The Committee appointed to negotiate with the committee of the Screen Writers Guild made its report and the status of the negotiations was discussed and the viewpoint of the various producers given to the committee. The committee was instructed to meet further with the writers' group.

"James Roosevelt, on behalf of the special case committee of the Motion Picture Relief Fund, made a report of the activities of that group during the past year. The method of providing funds for a continuation of this work was discussed. There was discussion as to the provisions to be made in the various studios in the event of general military conscription."

NSS Regional Meet Starts Sales Drive

The first of three regional meetings to launch National Screen's sales and business drive for the Herman Robbins' 20th anniversary testimonial opened yesterday at the Astor Hotel with George Dembow, sales manager, presiding.

The meeting, which is being attended by branch managers and salesmen of the entire Eastern district, will continue through today. Subsequent meetings will be held for the Central district on Sept. 8 and 9 in Chicago, and for the Far West district on Sept. 12 and 13 in Los Angeles. The anniversary drive will continue for the next 15 weeks.

'Correspondent' at 5-Year Rivoli Mark

United Artists announced yesterday that "Foreign Correspondent," the Walter Wanger-United Artists film, established the highest weekly gross at the Rivoli on Broadway in the past five years, for the week which ended Tuesday night. The gross was $53,500.

New Haven Register Shifts Theatre Page

NEW HAVEN, Sept. 4.—Downtown theatres have succeeded in changing the format of the *Register* amusement page after six years of negotiations. A recently-conceded Sunday composite art layout will now be a Wednesday feature as well. Daily short readers will be omitted, but longer, more interesting and complete readers substituted on certain agreed days. Exhibitors consider a tremendous victory the removal of bingo and restaurant ads from the amusement page.

Personal Mention

J. CHEEVER COWDIN, Universal board chairman, left by plane last night from Hollywood for New York after two weeks of conferences with studio executives. NATE BLUMBERG, president, will leave later in the week.

•

FRED WEHRENBERG, M.P.T.O.A. board chairman, left for St. Louis last night following a one day visit here.

•

LOU LIFTON, advertising and publicity director for Monogram, will leave with Mrs. Lifton on Monday by car for the Coast, where Lifton will assume his duties at the company's transplanted home office.

•

FRANK PHELPS, Warner labor contact, left for Wilmington yesterday on business. He expects to return within two days.

•

HARRY M. BESSEY, secretary-treasurer of Altec Service Corp., has returned from a six-weeks' business trip by motor to California and the Pacific Northwest.

•

JOSEPH BASSON, president of Local 306 of the operators' union, has returned from a visit to Chicago.

•

OSCAR NEU, accessories manufacturer, has returned from a Summer vacation upstate.

•

H. R. KOSSMAN, American representative of ANDRE DEBRIE, has returned from a Chicago photographers' convention.

•

WILLIAM GADDONI, head M-G-M booker in Albany, was married on Labor Day to ALICE SCHMITZ, receptionist at the Warner Albany exchange.

•

PATRICIA MEEHAN, M-G-M stenographer in Albany was married last week to WILLIAM STEWART of Albany.

R. J. O'DONNELL, ROBERT WILBY and VINCENT MCFAUL are in town for Paramount home office conferences.

•

HERMAN ROBBINS, CHARLES CASANAVE, ARTHUR MAYER, M. A. SCHLESINGER, DAVID A. LEVY and MAX A. COHEN at Nick's Hunting Room in the Astor for lunch yesterday.

•

JAMES MULVEY, HARRY KOSINER, JOSEPH PLUNKETT, ABE SCHNEIDER, JERRY SAFRON, JOSEPH MCCONVILLE, WILLIAM PIZOR, I. E. LOPERT, RUBE JACKTER, LOUIS J. BARBANO and JOSEPH MALCOLM lunching at the Tavern yesterday.

•

IRVING LESSER, JOSEPH MOSKOWITZ, CHARLES STERN and HAL HORNE lunching at Lindy's (51st St.) yesterday.

•

MAX WEISFELDT, LOU WEINBERG, MILTON BERLE, SEYMOUR POE and SOL EDWARDS at Lindy's (next to the Rivoli) yesterday for lunch.

•

ADOLPH ZUKOR, BARNEY BALABAN, NAT KARSON, OTTO PREMINGER, LOUIS PHILLIPS, LEON NETTER, LEE SHUBERT, JACK KIRKLAND, BAYARD VEILLER, CHARLES M. REAGAN, LEONARD GOLDENSON, ARTHUR MARGETSON and JIMMY SAVO at Sardi's yesterday for lunch.

•

LEO WAYNE CARIGNAN, 20th Century-Fox exchange shipper in Albany, was married recently to HELEN BOBAR.

•

MRS. KATHERINE SPENCER of the Warner Theatres contract department, New Haven, is ill and confined to her home.

•

ROBERT SCHWARTZ of the Park Playhouse, Thomaston, Conn., will be married late this month.

•

VIVIAN BAYLINSON, secretary to MAXWELL GILLIS of Republic, has announced her engagement to DR. BERNARD HOFFMAN of Jersey City.

Moskowitz Calls New Ad Film Stunt 'Frankenstein'

The advertising plan of the Liggett & Myers Tobacco Co., by which theatres are used to show commercial films without admission, is "creating a Frankenstein" within the industry, in the opinion of Charles C. Moskowitz, vice-president of Loew's in charge of New York theatres.

The show is comprised of two shorts produced by the industrial division of March of Time and which run about an hour. The first, "Pleasure Time," shows Fred Waring and his orchestra during a radio broadcast. The other, "Tobaccoland—U. S. A.," is a commercial for Chesterfield cigarettes. Upon presentation of a ticket obtainable at local merchants, patrons are admitted to the theatre. The show is currently being shown at theatres of the Century, Randforce and Brandt circuits.

Moskowitz yesterday characterized the scheme as an evil, which, if encouraged, would eventually assume the proportions of money giveaways. With its continuation, and should it be found successful by the advertiser, the venture would result in a new market for such films in halls and auditoriums, he said. In these, he added, showmen will find tremendous competition.

By way of analogy, he pointed to the distribution of free cigarettes, which, although inferior, would doubtless be accepted and used by the public. This, he stated, would be the case with the showing of free films. Moreover, he said, if the plan clicks, future commercial films would be given costlier production and hence would be a greater attraction.

While theatres might realize a small profit now in showing such films, he said, the ultimate repercussions will be severe.

Ban Reproductions Of Canada Uniforms

Toronto, Sept. 4.—The Canadian Government has issued an order prohibiting the display or reproduction in any form for theatrical or commercial purposes of any uniform of the Canadian Active Service Force, including the army, navy and air force. The regulation prevents the use of posters or paintings of arsion type of Canadian uniform, this ruling covering any portion of a uniform, badge, decoration or emblem. For special occasions, application may be made for written permission from the Minister of National Defense for the use of uniforms or reproductions of uniforms. The order applies to theatre fronts and lobby displays as well as advertising accessories.

Mexico Union Order Halts Film Shipments

MEXICO CITY, Sept. 4.—A boycott that prevents the delivery of all pictures, foreign and Mexican, is being exercised by the National Cinematographic Workers' Union against houses in the key cities of Tehuacan, a tourist spa of Puebla State, and Ciudad Valles, transportation junction center of San Luis Potosi State. The boycott is intended to force the exhibitors to come to terms with their employes, who are demanding higher wages and other concessions.

A gross of $22,000, exceptionally good for these times in Mexico, was attained in a record four-week run of "Rebecca" at the Cine Teatro Alameda here. "Rebecca" is the only film to remain four weeks at one theatre here.

Program of Defense Is Discussed Here

General plans for industry participation in national defense activities were discussed at a round-table session yesterday in the office of George J. Schaefer, RKO president, who is chairman of the industry's national defense council.

Schaefer said that because of the general nature of the discussion there was no statement to be made.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

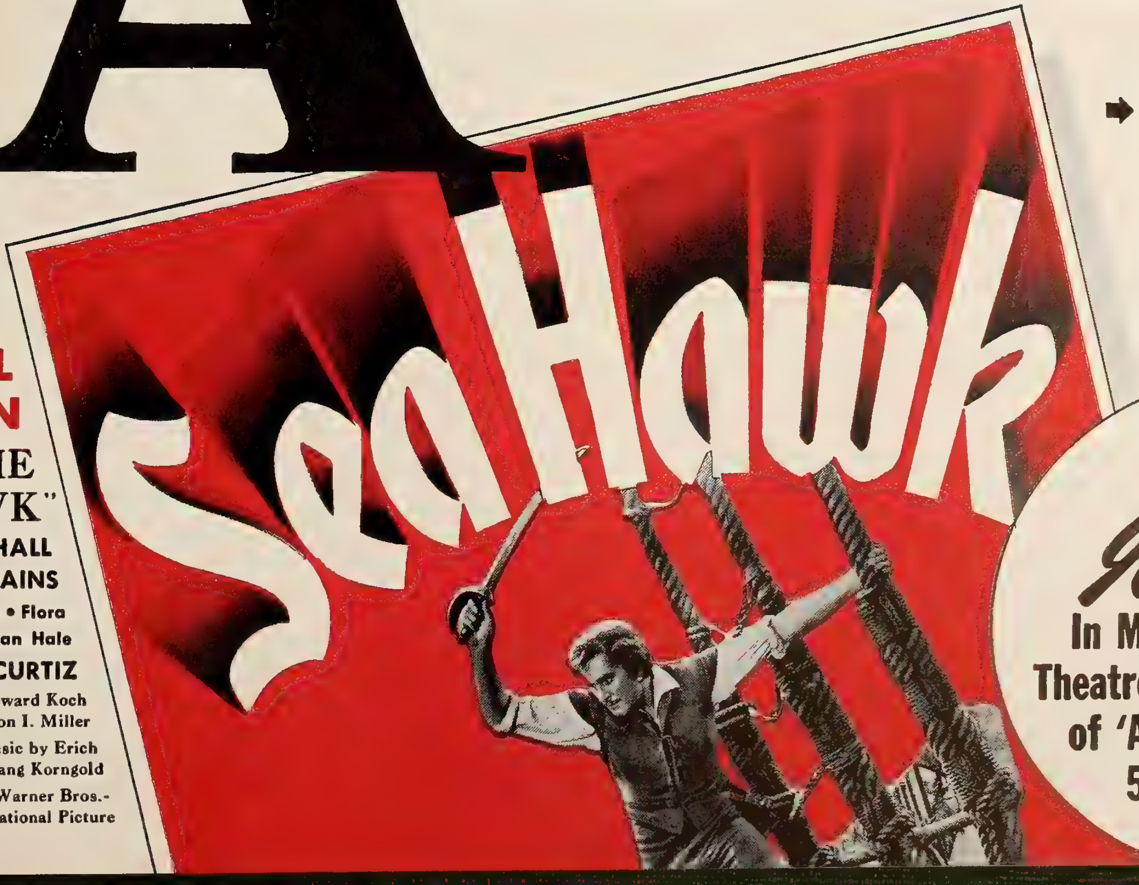
Q

"Can I play even an exceptional picture on a single-feature, advanced price policy—and make money?"

WARNERS ANSWER EXHIBITORS' NO. 1 QUESTION!

A

They're playing "THE SEA HAWK" that way at St. Louis' Ambassador, Memphis' Warner and Richmond's Colonial—to record summer business and holdovers at all three!



➡ Listen to Howard Waugh in Memphis: **"Any exhibitor who doesn't raise prices for this super-attraction is in the wrong business!"** And he knows—'cause that's how he's playing it now!

ERROL FLYNN
in "THE
EA HAWK"
RENDA MARSHALL
CLAUDE RAINS
Donald Crisp • Flora Robson • Alan Hale
ed by MICHAEL CURTIZ
Screen Play by Howard Koch and Seton I. Miller
Music by Erich Wolfgang Korngold
A Warner Bros.-First National Picture

It's True!

In Milwaukee Warner Theatre is now $500 ahead of 'Anthony Adverse', 5-year record holder!!!

'Frank James' Gets $38,000, Chicago Best

CHICAGO, Sept. 4.—With cool weather, "The Return of Frank James," and a variety show drew a good $38,000 at the Chicago. Shep Fields and his Rippling Rhythm orchestra drew a strong $20,000 at the Oriental. The screen fare was "Private Affairs."

Estimated takings for the week ending Aug. 30.

"They Drive By Night" (W. B.)
APOLLO — (1,400) (35c-55c-75c) 7 days. Gross: $5,500. (Average, $6,500)

"Return of Frank James" (20th-Fox)
CHICAGO — (4,000) (35c-55c-75c) 7 days. Stage: Variety Show. Gross: $38,000. (Average, $32,000)

"All This, and Heaven Too" (W. B.)
GARRICK—(1,000) (35c-55c-75c) 7 days, 2nd week. Gross: $4,500. (Average, $5,000)

"Private Affairs" (Univ.)
ORIENTAL — (3,200) (25c-40c) 7 days. Stage: Shep Fields Orchestra. Gross: $20,000. (Average, $13,000)

"The Boys from Syracuse" (Univ.)
"Tom Brown's School Days" (RKO)
PALACE — (2,500) (35c-40c-60c) 7 days, 2nd week. Gross: $12,000. (Average, $13,000)

"The Great McGinty" (Para.)
ROOSEVELT — (1,500) (35c-55c-75c) 7 days. Gross: $12,000. (Average, $11,000)

"Queen of the Mob" (Para.)
STATE-LAKE—(2,700) (25c-40c) 7 days. Stage: Bert Wheeler & Mitzi Green. Gross: $13,000. (Average, $15,000)

"I Love You Again" (M-G-M)
UNITED ARTISTS—(1,700) (35c-55c-75c) 7 days, 2nd week. Gross: $12,000. (Average, $14,000)

"Gone With the Wind" (M-G-M)
WOODS—(1,100) (75c-$1.10-$1.50) 7 days, 31st week. Gross: $7,000.

'Pride' at $16,000 St. Louis Leader

ST. LOUIS, Sept. 4.—The new single-bill, reserved-seat policy at the Ambassador ended its inaugural week with a gross of $9,500, as compared to an average take of $11,500 under the old system. The feature was "Sea Hawk." The Loew's State had a smash week, "Pride and Prejudice" grossing $16,000.

Estimated takings for the week ending Aug. 29:

"Pride and Prejudice" (M-G-M)
"Turnabout" (U. A.)
LOEW'S STATE—(3,162) (28c-39c-44c-55c) 7 days. Gross: $16,000. (Average, $13,000)

"Sea Hawk" (W. B.)
AMBASSADOR — (3,018) (35c-50c-75c) 7 days. Gross: $9,500. (Average, 28c-39c-44c-56c scale, $11,500)

"Flowing Gold" (W. B.)
"Money and the Woman" (W. B.)
FOX — (5,038) (28c-39c-44c-56c) 7 days. Gross: $8,000. (Average, $11,000)

"Snow White and the Seven Dwarfs" (RKO)
"Grandpa Goes to Town" (Rep.)
MISSOURI — (3,514) (28c-39c-44c-56c) 7 days. Gross: $4,000. (Average, $4,000)

"Millionaires in Prison" (RKO)
"Dr. Christian Meets the Women" (RKO)
ST. LOUIS — (4,000) (28c-39c) 7 days. Gross: $1,500. (Average, $2,600)

Three Actors Enlist

TORONTO, Sept. 4. — Three young British actors of Hollywood, Patric Knowles, Colin Tapley and Robert Coots, have arrived in Toronto, where they have enlisted in the lowest rank of the Royal Canadian Air Force for overseas service. In connection with their enlistment, they were the guests at a dinner party of Lieut. J. F. Farrow, press director of the Royal Canadian Navy and a former Hollywood director. Richard Greene is also expected in Toronto in the near future to join the colors after his unsuccessful attempt to enlist at Vancouver.

Hollywood Reviews

"I Want a Divorce"

(Paramount)

HOLLYWOOD, Sept. 4.—Titled after a popular radio program and telling a story of the kind listeners to that program drawn by the title will expect, this is an exploitation picture in the best sense of that term—which is to say that it has special aspects of saleability and merit besides, merit enough to satisfy not only those pre-sold on it via the ether, but also those who never heard the airshow or of it. Seldom are these circumstances combined. Laughter, tension and applause of a downtown Los Angeles audience attending the preview were of a sort to indicate that this is one of the times, a special one.

Starred in the picture are Joan Blondell and Dick Powell, wife and husband in the film as in fact, Gloria Dickson and Conrad Nagel as another wife and husband, Frank Fay and Dorothy Burgess as still another pair. The matrimonial problems of these couples follow divers courses, one leading to divorce and death, another to divorce and happiness, the third and principal one to the brink of divorce but ending in reconciliation. End product of the three equations is a powerful argument against divorce, an argument delivered in terms of drama, not as preachment or lecture.

For perhaps two-thirds of its length the picture is mainly humorous, evoking many a solid laugh. When it tightens up and becomes dramatic it is the stronger for this fact. Rounded performances of those named and others, under balanced direction of Ralph Murphy, keep a many-sided story rolling smoothly.

Produced by George Arthur, the screenplay by Frank Butler is based on a story by Adela Rogers St. Johns.

Running time, 90 minutes. "G."* ROSCOE WILLIAMS

"Stranger on the Third Floor"

(RKO)

HOLLYWOOD, Sept. 4.—Although a story of today, a double murder mystery with a New York setting, this picture goes back to "The Cabinet of Dr. Caligari" for precedent in the use of camera angles, shadows, distortions, for mystery effects, adding sound tricks, echoes, audible thinking, for present-day touches. Unique among the mystery films of this and many a year, the production invites exploitation as a novelty as well as a melodrama.

Peter Lorre, given top billing, appears in but a few scenes of the picture, impersonating a lunatic responsible for two murders with which two innocent men are charged. Principal character, a reporter, is played by John McGuire, Margaret Tallichet is the girl in the case, with Charles Waldron, Elisha Cook, Jr., Charles Halton, Ethel Griffies, Cliff Clark, Alec Craig and Otto Hoffman in support.

The story and screenplay by Frank Partos opens with the reporter testifying against a young man accused of murder. He is convicted on circumstantial evidence. Shortly afterward the reporter, who discovered the first murder, discovers a second under conditions which he knows will indicate he is the murderer. His mental processes during reflection upon these conditions are depicted via the means named above. The ending, arrived at by unusual methods, is happy.

Lee Marcus produced the film, with Boris Ingster directing. It is a distinct departure from routine, a fascinating subject as viewed from the beginning, mayhap a bit baffling as to meaning if come upon in midcourse.

Running time, 62 minutes. "G."* ROSCOE WILLIAMS

"G" denotes general classification.

'Maisie,' Stage Show Big $17,100 in Omaha

OMAHA, Sept. 4. — "Gold Rush Maisie," with Benny Meroff's Funzafire on the stage, grossed $17,100 at the Orpheum at raised prices for the town's best.

Estimated takings for the week ending Aug. 29-30:

"Walt Disney Festival" (RKO)
"Dr. Christian Meets the Women" (RKO)
BRANDEIS—(1,200) (30c-40c-44c) 7 days. Gross: $4,400. (Average, $4,[illegible]0)

"I Love You Again" (M-G-M)
"Sporting Blood" (M-G-M)
OMAHA — (2,000) (30c-44c) 7 days, 2nd week. Gross: $5,700. (Average, $6,000)

"Gold Rush Maisie" (M-G-M)
ORPHEUM — (3,000) (40c-55c) 7 days. Stage: Benny Meroff orchestra and Donald O'Connor. Gross: $17,100. (Average, $7,200)

Seven New Pictures Approved by Legion

Seven of eight new films last week received National Legion of Decency approval, three being classified as unobjectionable for general patronage, and four as unobjectionable for adults. One was found objectionable in part. The new pictures and their classification follow:

Class A-1, Unobjectionable for General Patronage — "Haunted Honeymoon," "Leather Pushers," "Marked Men." Class A-2, Unobjectionable for Adults—"Charlie Chan at the Wax Museum," "Flowing Gold," "Lucky Partners," "Strangers on the Third Floor." Class B, Objectionable in Part—"Money and the Woman."

'Partners' Is Seattle's High With $8,500

SEATTLE, Sept. 4. — "Lucky Partners" was the best grosser with a take of $8,500 at the Fifth Avenue. A Major Bowes unit at the Palomar was good for $7,000, with "Three F[illegible]s West" on the screen.

Estimated takings for the week ending Aug. 30:

"The Ramparts We Watch" (RKO)
"Golden Fleecing" (M-G-M)
BLUE MOUSE—(950) (30c-40c-50c-65c) 7 days, 2nd week. Gross: $2,900. (Average, $4,000)

"Lucky Partners" (RKO)
FIFTH AVENUE — (2,500) (30c-40c-50c-65c) 7 days. Gross: $8,500. (Average, $7,000)

"Captain Caution" (U. A.)
LIBERTY — (1,800) (30c-40c-50c-65c) 7 days. Gross: $4,000. (Average, $5,000)

"I Love You Again" (M-G-M)
MUSIC BOX — (950) (30c-40c-50c-65c) 7 days, 3rd week. Gross. $3,100. (Average, $4,000)

"Coming Round the Mountain" (Para.)
"Tom Brown's School Days" (RKO)
ORPHEUM—(2,450) (30c-40c-50c) 7 days. Gross: $5,500. (Average, $6,000)

"Three Faces West" (Rep.)
PALOMAR—(1,500) (30c-40c-50c) 7 days. Major Bowes' Anniversary Unit on stage. Gross: $7,500. (Average, $5,000)

"The Return of Frank James" (20th-Fox)
"Golden Gloves" (Para.)
PARAMOUNT — (3,050) (30c-40c-50c) 7 days, 2nd week. Gross: $4,900. (Average, $6,000)

'Convoy' Scores $8,500, Montreal

MONTREAL, Sept. 4.—"Convoy," British naval picture, carried off the week's honors with $8,500 at the Palace. In the third week, "All This, and Heaven, Too" grossed $6,000 at Loew's.

Estimated takings for the week ending Aug. 30:

"The Lady in Question" (Col.)
"Blondie Has Servant Trouble" (Col.)
CAPITOL — (2,547) (25c-40c-55c-65c) 7 days. Gross: $6,700. (Average, $8,000)

"Song of the Road" (British)
HIS MAJESTY'S — (1,700) (35c-50c) 7 days. Gross: $3,000. (Average, $3,000)

"All This, and Heaven Too" (W. B.)
LOEW'S—(2,800) (30c-40c-60c) 7 days, 3rd week. Gross: $6,000. (Average, $8,000)

"Turnabout" (U. A.)
"Mutiny in the Big House" (Mono.)
ORPHEUM — (919) (25c-35c-50c) 7 days, 2nd week. Gross: $2,300. (Average, $5,000)

"Convoy" (Esquire)
PALACE—(2,600) (25c-40c-55c-65c) 7 days Gross: $8,500. (Average, $9,000)

"Snow White and the Seven Dwarfs" (RKO)
PRINCESS — (2,272) (25c-35c-50c-65c) 7 days. Gross: $4,000. (Average, $5,000)

'Lucky Partners' at $9,400, Indianapolis

INDIANAPOLIS, Sept. 4. — All first runs were in the black in a rainy week. "Lucky Partners" and "Cross-Country Romance" at the Indiana brought $9,400, and the Ritz Brothers on the stage and "The Man I Married" on the screen grossed $11,500 at the Lyric.

Estimated takings for the week ending Aug. 30:

"When the Daltons Rode" (Univ.)
"You're Not So Tough" (Univ.)
CIRCLE — (2,800) (28c-33c-44c) 7 days. Gross: $8,300. (Average, $6,000)

"Lucky Partners" (RKO)
"Cross Country Romance" (RKO)
INDIANA — (3,200) (28c-33c-44c) 7 days. Gross: $9,400. (Average, $5,500)

"Boom Town" (M-G-M)
LOEW'S—(2,800) (35c-44c-60c) 7 days, 3rd week. Gross: $6,800. (Average, $7,000)

"The Man I Married" (20th-Fox)
LYRIC — (2,000) (28c-33c-44c) 7 days. Stage: Ritz Brothers, with Gloria Blake, Charles Newman, Dorothy Hild Ballet. Gross: $11,500. (Average, $8,000)

Richmond Has WarmGreeting For 'Howards'

(*Continued from page 1*)

festivities. Heading the visiting contingent are:

Jack Cohn, Abe Montague and Nate Spingold, Columbia chieftains. Governor Price of Virginia and Mayor Ambler of Richmond head the local officials. Among the Hollywood visitors are Mr. and Mrs. Frank Lloyd, producer of the film; Martha Scott, leading feminine player in the picture, and Jack Skirball, associate producer. Elizabeth Page, who wrote "The Tree of Liberty," upon which the film is based, also came here to attend the celebration. Many exhibitors were the guests of Columbia at the opening, including David "Skip" Weshner, of Warners, and Izzy Rappaport of Baltimore.

Other Visitors

The list of visitors from other cities comprises in addition to those already mentioned: Mr. and Mrs. Franklin Gray, Frank LaFalce, George Crouch, Jay Carmody, Harry McArthur, Mary Mason, Elinor Lee, Frank Acosta, Gilbert Kanouer, Norman Clark, Louis Azrael, Ed Rosenbaum, Everett Callow, Charles Fischer, Mrs. Edna Carroll, chairman of the Pennsylvania Board of Censors; Elsie Finn, Hortense Schorr, Caroline Kirwan, Don Craig, Harry Phillips, George Lait, Louise Levitas, Ray Platnick, S. A. Galanty, A. E. Lichtman, C. C. Shulman, Sam Wheeler, William S. Wilder, C. W. Alsop and F. R. Rosenberg.

The day's events preceding the premiere at the State, Byrd, Westhampton and Capitol began with an official welcome for Lloyd and Miss Scott at the John Marshall Hotel by the Mayor and other city officials.

Drive to Westover

The party then drove to Westover where Miss Scott placed a wreath on the grave of William Byrd, founder of Richmond. An official yacht, escorted by the U. S. Destroyer Barney, returned them the 27 miles up the James River to Richmond. The party then was greeted at the Capitol Building by Governor Price, after which they were tendered an informal luncheon at the John Marshall by Richmond's Host Committee.

In the afternoon, St. John's church was the scene of a reenactment of the Second Virginia Convention, at which the historic Patrick Henry oration was delivered. The performance was given by the Richmond Theatre Guild with a cast of 100. There were about 300 invited guests in attendance, with Miss Scott as guest of honor. Governors of some of the 13 original states were present, as well as mayors of the principal Virginia cities. A public address system carried the program to hundreds in the neighborhood of the church.

Later, Miss Scott and Lloyd were guests at an entertainment at Byrd Park, at which children from the City Department of Playgrounds and adults of the Community Recreation Association recreated the dances of Colonial days.

Following the premiere, the John Marshall Hotel was the scene of a ball in honor of the premiere at which the grand march was led by Governor Price and Miss Scott.

Mayor Ambler proclaimed the day "Richmond Day," and Governor Price has set aside the entire week as "Re-Dedication Week" for the state, during which its citizens are called upon to "re-dedicate themselves to the principles of liberty, justice and equality, as established by their forebears."

The day's events from 8:30 A. M. to 11:00 P. M. were fully covered by radio, with broadcasts going out alternately over stations WRVA, WRNL and WMBG.

MPTOA Poll to Set Course on Decree

The M.P.T.O.A. executive committee will be polled by mail during the next few days to ascertain the views of members on the course of action to be followed by the organization in the event the Department of Justice does not alter the provisions of the pending consent decree to which exhibitors are opposed, Ed Kuykendall, M.P.T.O.A. president, said yesterday on his arrival here from Washington.

Kuykendall plans to return to the Capitol this week-end. He declined to hazard a guess on what action, if any, the Department of Justice will take as a result of the exhibitors' protests.

"I don't know whether the decree will be changed or not," Kuykendall said, "but I do know that the Department of Justice was convinced that the exhibitors of this country are opposed to that decree."

Kuykendall said that no plans could be made for a national convention of M.P.T.O.A. until the fate of the decree has been decided. Dependent on future developments, he suggested it might be wise to hold the convention in Washington.

The M.P.T.O.A. head expressed the opinion that it would not be necessary for Frank C. Walker to resign as general counsel of the national exhibitor organization upon assuming his duties as Postmaster General, although Kuykendall added that he had not yet had an opportunity to discuss the subject with Walker, who was out of the city yesterday.

RKO Files Answer In Schine Action

BUFFALO, Sept. 4.—The tenth answer in the anti-trust suit of the Government against the Schine Circuit and major distributors was filed in Federal court here today by RKO.

Its substance, similar to the other nine companies' answers, denies violation of the Sherman Act. Attorneys for RKO are William Mallard and the firm of Donovan, Leisure, Newton & Lumbard. Judgment dismissing the complaint is asked.

Oakland Paper Has Theatre Directory

OAKLAND, Cal., Sept. 4. — The twice-weekly *Shopping News* here, with a circulation exceeding 60,000, is now running a theatre directory on the front page. Nearly 50 Eastbay theatres in Oakland, Berkeley, Albany, Piedmont, Hayward, San Leandro and Alameda are advertising in the listing.

Suit Defeat in Lower Court Seen by U. S.

The Government believes that it would lose its anti-trust suit against the industry in the Federal District Court if it proceeded to trial now but ultimately would win a major decision in the U. S. Supreme Court on appeal, exhibitor representatives were told by Government officials in Washington on Tuesday.

However, the exhibitors were warned that it might take more than a year to try the case in the District court and more than 10 years to get a decision from the Supreme court with single picture selling as the probable outcome.

Settle Philadelphia Musicians' Strike

(*Continued from page 1*)

two neighborhood houses using music. Prior to the strike, there was some vaudeville at the Alhambra, Kent, Oxford, Frankford and Allegheny.

Local union officials will meet with circuit heads here next week to work out a contract which will be for one year, starting after the run of "Boom Town," which opened Aug. 27 at the Earle and is expected to play three or four weeks.

Negotiations looking to a settlement of the long strike took a decided turn recently when Petrillo, newly elected president of the A.F.M., stepped into the picture. He has been carrying on direct negotiations in the matter for some weeks with Frank Phelps, Warner labor contact man.

Columbia Net Up to $512,185 for Year

(*Continued from page 1*)

are equivalent to approximately 83 cents per share on 366,268 shares of common stock outstanding, after deducting dividends on the outstanding preferred stock.

The balance sheet as of June 29, 1940, shows current assets of $13,146,250, of which approximately $2,354,700 is represented by cash. The total current liabilities amount to $1,925,715 and working capital was equal to $11,221,000. The statement cites "He Stayed for Breakfast," "The Howards of Virginia" and "Arizona" as three outstanding films completed and either now in release or to be released shortly.

New Contract Ends Providence Strike

PROVIDENCE, Sept. 4. — Union operators have returned to work today at the theatres of Associated Theatres following a two-day strike over a new contract and back pay.

The houses affected were the Empire and Bijou here, Palace in Washington Park, and Park in Cranston, R. I. The strike ended when Ralph E. Snider for the circuit and Herbert F. Slater, business agent of Local 223, agreed on a two-year contract, involving a 10 per cent pay cut for projectionists and a compromise on back pay.

Government May Discard Block-of-Five

(*Continued from page 1*)

so, the exhibitor representatives have left no doubt in the minds of any interested parties here that they are determined to fight the adoption of the decree in its present form with every legal means at their command.

The exhibitor leaders are definitely committeed to a course of legal action if their protests prove unavailing. They have discarded their earlier inclination for the holding of a national exhibitor mass-meeting, convinced that further vocal protests and resolustions would be unavailing.

Although some sentiment is in favor of the exhibitors making an effort to intervene in the case, should the proposed decree come before Federal Judge Henry W. Goddard unchanged on Oct. 7, some objections to this procedure have been raised. It is pointed out that should the exhibitors become intervenors, they would then be bound themselves by any resultant court decision, even if it was adverse to them. An alternative which is meeting with greater favor among the exhibitor representatives, is in favor of their appearance at the Oct. 7 hearing as "friends of the court," or in the position of advisors to the court.

It is felt that the latter position would permit them to argue as effectively against the decree as though they were intervenors and, if their protests then were disregarded, they would not be subject to the resultant court decision. In such a case they would still be at liberty to seek injunctive relief.

Most of the exhibitor representatives plan to have a course of action charted by the end of the week or early next week, dependent, of course, on the Government's next step.

Refreshments New Philadelphia Lure

(*Continued from page 1*)

the sampling being carried on by the National Sample Advertising Service, organized here by P. S. Greenberg. National Sample supplies all the equipment with a house usher dispensing the soft drinks with the only obligation of the exhibitor to run a 90-foot animated color trailer. The Pepsi-Cola sampling was tested in 160 theatres in New Jersey and New York and started its national canvas here, covering 60 houses locally, mostly Warner theatres.

During a four-day sampling run, Pepsi-Cola provides 100 cases of its drink, affording at least 7,000 samples. The Pepsi-Cola sampling will take 18 months to complete, covering 6,000 theatres through the country.

National Sample was organized primarily for the sampling of candy, offering to reach 85,000,000 persons at 20,000 theatres in the country. Although no candy sampling contracts have been consummated as yet, the candy plan calls for the exhibitor to pay at least a penny for each five-cent candy bar to be given out. Charles Goldfine, a local exhibitor, is also organizing a candy sampling company along similar lines.

4 GIANT OPE

DENVER . .

6 THEATRES with 12,600 seats played the world premiere performance! DENVER THEATRE broke all house records for first week. Move-over to ALADDIN skyrocketed to 400% of average!

SPOKANE . .

ORPHEUM. Opening week-end 178% of average. Beats every attraction in town by almost two to one.

When A Picture Opens Great and Builds Sensationally, You've Got A Tremendous Box-Office Attraction The Public Wants!

NGS OUT OF 4

SPRINGFIELD ILL.

Blows the top off Lincoln Theatre with an opening 205% of average. Full page publicity in Springfield newspapers helped it reach this sensational figure!

SEATTLE . .

ORPHEUM. No United Artists picture in past year has touched its gross! Opening day 180% of average. Second day $250. bigger than opening. Third day $400. bigger than opening. Fourth day $1,105. bigger than opening!

Edward Small
presents

Kit Carson

JON HALL · LYNN BARI
DANA ANDREWS · WARD BOND
HAROLD HUBER · C. HENRY GORDON
Directed by **GEORGE B. SEITZ**
Original Screen play by **GEORGE BRUCE**
Based upon a story by Evelyn Wells
RELEASED THRU UNITED ARTISTS

Boston Gives Good $32,100 To 'Breakfast'

Boston, Sept. 4.—"He Stayed for Breakfast," dualled with "The Golden Fleecing" at Loew's State and Orpheum, drew a total of $32,100, with $14,500 at the State and $17,600 at the Orpheum. They were the only theatres to reach average.

Estimated takings for the week ending Aug. 28:

"Babies for Sale"
"Carolina Moon" (Rep.)
KEITH BOSTON—(3,200) (25c-35c-40c-55c) 7 days; "The Fleet's In" stage revue 5 days. Gross: $5,500. (Average, $8,000)

"The Return of Frank James" (20th-Fox)
"The Man I Married" (20th-Fox)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $10,000. (Average, $16,000)

"Rhythm on the River" (Para.)
"Money and the Woman" (W. B.)
METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days. Gross: $13,500. (Average, $15,500)

"Comin' Round the Mountain" (Para.)
"Girl from God's Country" (Rep.)
PARAMOUNT — (1,797) (25c-35c-40c-55c) 7 days. Gross: $6,500. (Average, $7,500)

"Comin' Round the Mountain" (Para.)
"Girl from God's Country" (Rep.)
FENWAY — (1,320) (25c-35c-40c-55c) 7 days. Gross: $3,500. (Average, $4,500)

"They Drive by Night" (W. B.)
"Ladies Must Live" (W. B.)
SCOLLAY—(2,500) (25c-35c-40c-55c) 7 days. Gross: $3,000. (Average, $4,000)

"He Stayed for Breakfast" (Col.)
"The Golden Fleecing" (M-G-M)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: $14,500. (Average, $12,000)

"He Stayed for Breakfast" (Col.)
"The Golden Fleecing" (M-G-M)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: $17,600. (Average, $17,500)

'Boom Town' Takes $20,000 in Detroit

Detroit, Sept. 4.—"Boom Town," opening the new single feature policy at the United Artists, grossed $20,000, with average business prevailing at the other theatres.

Estimated takings for the week ending Aug. 29:

"Snow White and the Seven Dwarfs" (RKO)
"South of Karanga" (Univ.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)

"Susan and God" (M-G-M)
"'Till We Meet Again" (W. B.)
FISHER—(2,700) (15c-50c) 7 days. Gross: $7,000. (Average, $7,000)

"The Return of Frank James" (20th-Fox)
"Blondie Has Servant Trouble" (Col.)
FOX—(5,000) (15c-55c-65c) 7 days. Gross: $15,000. (Average, $15,000)

"They Drive By Night" (W. B.)
"The Golden Fleecing" (M-G-M)
MICHIGAN—(4,000) (15c-55c-65c) 7 days. Gross: $16,000. (Average, $12,000)

"The Great McGinty" (Para.)
"Golden Gloves" (Para.)
PALMS — (2,000) (15c-39c-55c) 7 days. Gross: $7,000. (Average, $7,000)

"'Boom Town" (M-G-M)
UNITED ARTISTS—(2,000) (20c-50c-75c) Gross: $20,000. (Average, $10,000)

Form Gerstein Firm

Evelyn Gerstein, former film critic, has opened her own publicity office at 30 Rockefeller Plaza as Evelyn Gerstein Associates. Gertrude Fisher of Philadelphia is an associate member.

Stage Season Sept. 26

Columbus, O., Sept. 4.—The legitimate season will be inaugurated at the Hartman here Sept. 26, with Tallaluh Bankhead in "The Little Foxes" as the opening attraction, according to Manager Robert F. Boda.

Warners May Do Spanish Versions of Current Films

Hollywood, Sept. 4.—Warner executives have before them a plan advanced by director William Keighley to make Spanish language versions of pictures currently shooting, with the same sets but with Spanish speaking actors. Keighley proposed that he supervise the production of "Four Mothers," which he is currently guiding, in the Spanish version, with Mexican producer-director Ramon Nunez directing that version. Nunez would use translations of the scripts, the same sets, technicians and such. Decision on the plan awaits return here of Jack L. Warner.

• •

George Murphy will act as narrator in a montage sequence in M-G-M's "Little Nellie Kelly." . . . Warners has postponed start of "South of Suez" in order that the script might be changed by Michael Hogan to enable George Brent to succeed to George Raft's role. Geraldine Fitzgerald, Brenda Marshall, James Stephenson and George Tobias are in the cast. . . . After an absence of more than a year, Edward Everett Horton returns to the screen in Paramount's "You're the One," featuring Bonnie Baker and Orrin Tucker. Horton has been on a stage tour.

• •

Leo Robin and Ralph Rainger have been signed by 20th Century-Fox to write songs for "The Great American Broadcast," which will be a cavalcade of radio. . . . Gene Raymond gets the second masculine lead in RKO's "Mr. and Mrs. Smith," starring Robert Montgomery and Carole Lombard. . . . A. Z. Dixon, member of the American Border Patrol at Tia Juana, has been assigned by United States immigration officials to act as technical advisor to Clarence Brown on "Come Live With Me," at M-G-M. The picture starring James Stewart and Hedy Lamarr deals with alien restriction laws. . . . E. H. Griffith will bring to screen in color a rare painting to be used in Paramount's "Virginia." It is the original Vigee LeBrun portrait of Louis XVI, owned by Charles R. Mikelson in Pasadena.

• •

George Pal, producing "puppetoons" for Paramount release, has signed Andre Kostelanetz to direct all musical arrangements for the first two of the shorts. . . . Hugh Harman, M-G-M cartoon producer, has been given a new contract. . . . Forest fires in the San Bernardino Mountains have forced William A. Seiter to shift location scenes for "Nice Girl," Deanna Durbin film for Universal. . . . Leonid Kinskey and Alexander Granach have been signed as a comedy team for "Flotsam," Loew-Lewin production. . . . Frances Dee and Anna Sten have joined the cast of the same film. . . . Ed Kelso has been signed by producer Lindsley Parsons to write the original script for Frankie Darro's next for Monogram, "You're Out of Luck."

• •

Robert McGowan will direct the next Marcia Mae Jones-Jackie Moran feature at Monogram, "The Ole Swimmin' Hole," from an original story by Gerald Breitigam and script by Dorothy Reid.

'Breakfast' Garners $11,300, Kansas City

Kansas City, Sept. 4.—Big Money and the best showing went to "He Stayed for Breakfast" at the Midland, where it played with "The Golden Fleecing" for $11,300. "They Drive by Night" and "Dr. Christian Meets the Women" did $6,800 at the Orpheum. The weather was cool.

Estimated takings for the week ending Aug. 27-29:

"The Return of Frank James" (20th-Fox)
ESQUIRE — (800) (28c-44c) 5 days, 2nd week. Gross: $1,500. (Average, 6 days, $1,700)

"He Stayed for Breakfast" (Col.)
"The Golden Fleecing" (M-G-M)
MIDLAND — (4,000) (28c-44c) 7 days. Gross: $11,300. (Average, $9,500)

"Flowing Gold" (W. B.)
NEWMAN — (1,900) (28c-44c) 7 days. Grosss: $4,800. (Average, $7,000)

"They Drive By Night" (W. B.)
"Dr. Christian Meets the Women" (RKO)
ORPHEUM — (1,500) (28c-44c) 7 days. Gross: $6,800. (Average, $5,000)

"Private Affairs" (Univ.)
TOWER — (2,200) (30c) 7 days. Stage: The Blanchards, Hector & Pals, Alene & Evans. Gross: $7,300. (Average, $6,000)

"The Return of Frank James" (20th-Fox)
UPTOWN—(2,000) (28c-44c) 5 days, 2nd week. Gross: $2,000. (Average, 5 days, $2,400)

Republic Buys 'Hopkins'

Republic has purchased the stage play, "Sis Hopkins," by Carroll Fleming and Edward A. Kidder, as a starring vehicle for Judy Canova, to follow her initial starring film, "Scatterbrain."

'Money,' Tucker $21,000 in Buffalo

Buffalo, Sept. 4.—"Money and the Woman" and Orrin Tucker's orchestra and company on the stage drew a big $21,000 at the Buffalo. "The Return of Frank James," double-billed at the Great Lakes, was strong with $8,000.

Estimated takings for the week ending Aug. 31:

"Money and the Woman" (W.B.)
BUFFALO—(3,489) (35c-40c-60c) 7 days. Orrin Tucker & orchestra, with Wee Bonnie Baker on stage, with the Stapletons and Les Ghezzis. Gross: $21,000. (Average, $12,000)

"The Return of Frank James" (20th-Fox)
"Sing, Dance, Plenty Hot" (Rep.)
GREAT LAKES — (3,000) (35c-55c) 7 days. Gross: $8,000. (Average, $7,500)

"I Love You Again" (M-G-M)
"Pier 13" (20th-Fox)
HIPPODROME—(2,100) (30c-40c) 7 days. Gross: $5,000. (Average, $6,800)

"Queen of Destiny" (RKO)
"Cross-Country Romance" (RKO)
TWENTIETH CENTURY—(3,000) (30c-40c) 7 days. Gross: $4,000. (Average, $7,500)

"Private Affairs" (Univ.)
"You're Not So Tough" (Univ.)
LAFAYETTE—(3,000) (30c-40c) 7 days. Gross: $6,100. (Average, $6,300)

Wins Lefrak Judgment

A stipulation was filed in the N. Y. Supreme Court yesterday under which Lefrak Amusement Co., Inc., of N. Y. agrees to the entry of a judgment of $26,637 by Unity Theatres Corp. The stipulation states that the judgment is for loans made by Unity to Lefrak.

'Sea Hawk' Is Los Angeles' Hit at $41,500

Los Angeles, Sept. 4.—"The Sea Hawk" on a single bill brought to Warners Hollywood and Warners Downtown the best business in years, rolling up a total of $41,500. [illegible]e Boys from Syracuse" on a dual took $10,000 at the Hillstreet and $11,500 at the Pantages. Business generally was good.

Estimated takings for the week ending Aug. 28:

"The Return of Frank James" (20th-Fox)
"Manhattan Heartbeat" (20th-Fox)
CHINESE—(2,500) (44c-55c-75c-85c) 7 days. Gross: $9,400. (Average, $12,500)

"Pride and Prejudice" (M-G-M)
4 STAR—(900) (44c-55c) 7 days, 2nd week. Gross: $6,700. (Average, $3,250)

"The Boys from Syracuse" (Univ.)
"You're Not So Tough" (Univ.)
HILLSTREET—(2,700) (33c-44c-55c-75c) 7 days. Gross: $10,000. (Average, $6,500)

"The Return of Frank James" (20th-Fox)
"Manhattan Heartbeat" (20th-Fox)
LOEW'S STATE—(2,500) (44c-55c-75c-85c) 7 days. Gross: $13,200. (Average, $14,000)

"The Boys from Syracuse" (Univ.)
"You're Not So Tough" (Univ.)
PANTAGES — (3,000) (33c-44c-55c-75c) 7 days. Gross: $11,500. (Average, $7,000)

"Rhythm on the River" (Para.)
PARAMOUNT—(3,595) (33c-44c-55c-75c) 7 days. Stage: F. & M. revue, Count Basie and his orchestra. Gross: $25,000. (Average, $18,000)

"Sea Hawk" (W.B.)
WARNER BROS. (Hollywood) (3,000) (33c-44c-55c-75c) 7 days. Gross: $21,500. (Average, $14,000)

"Sea Hawk" (W. B.)
WARNER BROS. (Downtown) (3,400) (33c-44c-55c-75c) 7 days. Gross: $20,000. (Average, $12,000)

'Breakfast' $13,800 Leads Providence

Providence, Sept. 4.—Loew's State double feature, "He Stayed for Breakfast," and "Gold Rush Maisie" was the only program in town that drew well, taking $13,800. A cool weekend gave houses a fine opening, but business tapered off.

Estimated takings for the week ending Aug. 28-29:

"He Stayed for Breakfast" (Col.)
"Gold Rush Maisie" (M-G-M)
LOEW'S STATE—(3,232) (28c-39c-50c) 7 days. Gross: $13,800. (Average, $11,000)

"Flowing Gold" (W. B.)
"Money and the Woman" (W. B.)
MAJESTIC—(2,250) (28c-39c-50c) 7 days. Gross: $4,800. (Average, $7,000)

"Comin' Round the Mountain" (Para.)
"I Married Adventure" (Col.)
STRAND — (2,200) (28c-39c-50c) 7 days. Gross: $4,500. (Average, $6,000)

"Black Diamonds" (Univ.)
"Bad Boy" (Atlas)
FAY'S—(1,800) (15c-28c) 7 days. Gross: $2,300. (Average, $2,500)

"The Return of Frank James" (20th-Fox)
"Anne of Windy Poplars" (RKO)
CARLTON—(1,526) (28c-39c-50c) 5 days, 2nd week. Gross: $1,900. (7-days average, $3,500)

"Andy Hardy Meets Debutante" (M-G-M) (3 days)
"Sailor's Lady" (20th-Fox) (3 days)
"Untamed" (Para.) (4 days)
"My Love Came Back" (W. B.) (4 days)
EMPIRE — (2,200) (20c-28c) 2nd run. Gross: $1,600. (Average, $1,700)

Two Join Ross Federal

New Haven, Sept. 4. — Charles Leach, manager of Ross Federal Service here, has appointed F. W. Stevens of Hartford and Peter R. Sandahl of Bridgeport to his staff.

New Motiograph Line

Chicago, Sept. 4.—Motiograph, Inc., equipment manufacturer, has announced the addition of three new models to its line of sound apparatus.

"Extra Margin of Quality"

UNDER NORMAL PRODUCTION CONDITIONS:

Agfa Supreme

Noted for a remarkably fine grain and excellent color balance and gradation . . . combined with great speed!

UNDER POOR LIGHTING CONDITIONS:

Agfa Ultra-Speed Pan

The fastest 35mm. film manufactured. The negative to use when extreme film speed is the most important factor!

AGFA ANSCO PRODUCTS. MADE IN BINGHAMTON, NEW YORK, U. S. A.

AGFA RAW FILM CORPORATION

HOLLYWOOD
6424 Santa Monica Blvd.
Tel. Hollywood 2918

Agfa

NEW YORK
245 West 55th Street
Tel: CIrcle 7-4635

MOTION PICTURE DAILY'S BOOKING CHART

Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Aug. 9	The Lady in Question (D) *Brian Aherne*	I Love You Again (D) *William Powell* *Myrna Loy*	Doomed to Die (D) Laughing at Danger (D)	Mystery Sea Raider (D) *H. Wilcoxon* *Carole Landis*	Sing, Dance Plenty Hot (M) *Johnny Downs* *Ruth Terry*	One Crowded Night (D) *William Haade* *Billy Seward*	Girl From Ave. A (D) *Jane Withers* *C. Aldrich*	Captain Caution (D) *Victor Mature* *Louise Platt*	Boys from Syracuse (M) *Allan Jones* *Martha Raye*	River's End (D) *Dennis Morgan* *Victor Jory*
Aug. 16	The Durango Kid (O) The Secret Seven (D)	Golden Fleecing (D) *Lew Ayres* *Rita Johnson*	Missing People (D) Arizona Frontier (O)	Comin' Round the Mountain (C) *Burns-Merkel*	Tulsa Kid (O) *Barry-Beery*	Ramparts We Watch (D) Stranger on the Third Floor (D)	Return of Frank James (O) *Henry Fonda* *Jackie Cooper*	Foreign Correspondent (D) *Joel McCrae* *Laraine Day*		Money and the Woman (D) *Jeffrey Lynn* *Brenda Marshall*
Aug. 23	He Stayed for Breakfast (C) *Loretta Young* *Melvyn Douglas*		Range Busters (O) Queen of the Yukon (O)	The Great McGinty (C) *Brian Donlevy* *Muriel Angelus*	Oklahoma Renegades (O) *3 Mesquiteers*	Dance, Girl, Dance (D) Wildcat Bus D)	Pier 13 (D) *Lynn Bari* *Lloyd Nolan*			Flowing Gold (D) *Pat O'Brien* *John Garfield*
Aug. 30	Five Little Peppers in Trouble (D) *Edith Fellows*	Boom Town (D) *Clark Gable* *Spencer Tracy*	Who Is Guilty? (D) *Ben Lyons* *Barbara Blair*		Earl of Puddlestone (C) *The Gleason Family*	Lucky Partners (D) *Ginger Rogers* *Ronald Colman*	Young People (D) *Shirley Temple* *Jack Oakie*	Kit Carson (O) *Lynn Bari* *Jon Hall*		Sea Hawk (D) *Errol Flynn* *Brenda Marshall*
Sept. 6	Fugitive From a Prison Camp (D) *Jack Holt* *Marion Marsh*	Dr. Kildare Goes Home(D) *Lew Ayres* *L. Barrymore*	Up in the Air (D) *Frankie Darro*	Rhythm on the River (M) *Bing Crosby* *Mary Martin*	Ride, Tenderfoot, Ride (O) *Gene Autry* *Smiley Burnett*	Men Against the Sky (D) *Richard Dix* *Kent Taylor*	Chan at Wax Museum (D) *Sidney Toler*		Argentine Nights (M) *Ritz Brothers* *Andrew Sisters*	Calling All Husbands (C) *George Tobias* *Ernest Truex*
Sept. 13	Before I Hang (D) *Boris Karloff* *Evelyn Keyes*	Wyoming (D) *Wallace Berry* *Leo Carrillo*	The Ape (D) *Boris Karloff*		Girl from Havana (D) *O'Keefe-Carleton*	Dreaming Out Loud (C) Wagon Train (O)	Elsa Maxwell's Public Deb. No. 1 (C) *Murphy-Joyce*	The Great Dictator (C) *Charles Chaplin*	Hired Wife (C) Leather Pushers (D)	No Time for Comedy (C) *Stewart-Russell-Ruggles*
Sept. 20	Howards of Virginia (D) *Cary Grant* *Martha Scott*	Strike Up The Band (M) *Rooney-Garland* *Paul Whiteman*		I Want A Divorce (D) *Joan Blondell* *Dick Powell*	Colorado (O) *Rogers-Hayes*	I'm Still Alive (D) *Kent Taylor* *Linda Hayes*	Yesterday's Heroes (D) *Sterling-Rogers*	The Westerner (O) *Gary Cooper* *Walter Brennan*	Mummy's Hand (D) Ragtime Cowboy Joe (O)	City for Conquest (D) *James Cagney* *Ann Sheridan*
Sept. 27	Angels Over Broadway (D) *D. Fairbanks, Jr.* Glamour for Sale (D)	Haunted Honeymoon (D) *R. Montgomery* *C. Cummings*	That Gang of Mine (D) *Gorcey-Jordon*	Rangers of Fortune (O) *MacMurray-Morris*		They Knew What They Wanted (D) Triple Justice (O)	Brigham Young (D) *Tyrone Power* *Linda Darnell*	Thief of Bagdad (D) *Conrad Veidt* *Sabu*	Spring Parade (M) *Deanna Durbin* *Robert Cummings*	East of the River (D) *Garfield-Marshall*
Oct. 4	So You Won't Talk (C) *Joe E. Brown* *F. Robinson*	Escape (D) *Norma Shearer* *Robert Taylor*	Drums of the Desert (D) *Ralph Byrd*	The Quarterback (C) *Wayne Morris* *Virginia Dale*	Under Texas Skies (O) *3 Mesquiteers*	The Villain Still Pursued Her (C) *Herbert-Louise*	Gay Caballero *Cesar Romero* *Robert Sterling*		Diamond Frontier (D) *McLaglen-Nagel*	Knute Rockne-All American (D) *O'Brien-Page*
Oct. 11		Dulcy (C) *Ann Sothern* *Ian Hunter*	Old Swimmin' Hole (D) *Moran-Jones*	Moon Over Burma (D) *Dorothy Lamour* *Robert Preston*	Frontier Vengeance (O) *Don "Red" Barry* *Betty Moran*	Too Many Girls (M) *Ball-Carlson*	The Great Profile (C) *John Barrymore* *Mary B. Hughes*		Tropical Sinners (D) *Dietrich-Wayne*	
Oct. 18	Nobody's Children (D) *Edith Fellows* *Billy Lee*	Third Finger Left Hand (C) *Myrna Loy* *Melvyn Douglas*	You're Out of Luck (D) *Frankie Darro*	Christmas in July (C) *Dick Powell* *Ellen Drew*	Melody and Moonlight (M) *Johnny Downs* *Vera Vague*	Laddie (O) *Tim Holt* *V. Gilmore*	Night Train (D) *M. Lockwood* *Rex Harrison*		Slightly Tempted (C) *Hugh Herbert* *Peggy Moran*	
Oct. 25	West of Abilene (O) Girls Under 21 (D)	Sky Murder (D) *Walter Pidgeon* *Donald Meek*	Parson of Devil's Gap (O) Sign of the Wolf (D)	Cherokee Strip (O) *Richard Dix*	Young Bill Hickok (O) *Roy Rogers*	You'll Find Out (M) *Kay Kyser*	Down Argentine Way (M) *Don Ameche*		A Little Bit Heaven (M) *Gloria Jean*	

PARAMOUNT SHORTS...
Book 'em...
Advertise 'em...
Cash in on 'em!

August 23
Color Classic Cartoon
'YOU CAN'T SHOE A HORSE FLY'

August 30
Stone Age Cartoon
'SPRINGTIME IN THE ROCKAGE'

August 30
Popeye Cartoon
"PUTTIN ON THE ACT"

September 6
Grantland Rice Sportlight
'DIVING DEMONS'

100% BOX OFFICE TESTED

Rebellion

MEXICO CITY, Sept. 4.—Radio station hack singers here have begun to rebel against a daily chore of three songs per program for a pittance of 50 cents, a job which is so spaced out, they claim, that they must hang around the studios for hours. These singers have asked to become affiliated with the National Radio Artists' Union so that they can obtain a minimum daily wage of $1.

'Love You' at $8,500 Sets Cleveland Pace

CLEVELAND, Sept. 4.—"I Love You Again" continued smashing records at the Stillman here with $8,500 for its third week. "Return of Frank James" drew $11,500 at the Hippodrome.

Estimated takings for the week ending Aug. 29:

"Boys from Syracuse" (Univ.)
ALLEN—(3,000) (33c-39c-47c) 7 days, 2nd week. Gross: $4,000. (Average, $4,000)
"Return of Frank James" (20th-Fox)
WARNERS' HIPPODROME — (3,800) (33c-39c-47c) 7 days. Gross: $11,500. (Average, $11,000)
"Flowing Gold" (W.B.)
RKO PALACE — (3,100) (33c-39c-47c) 7 days. Gross: $5,500. (Average, $9,500)
"Captain Caution" (U.A.)
LOEW'S STATE—(3,500) (33c-39c-47c) 6 days. Gross: $8,000. (Average for 7 days, $11,000)
"I Love You Again" (M-G-M)
LOEW'S STILLMAN — (1,900) (33c-39c-47c) 7 days, 3rd week. Gross: $8,500. (Average, $4,000)

Complicate Union Fight in Scranton

SCRANTON, Pa., Sept. 4.—The jurisdictional struggle between Scranton locals of the C.I.O. and A.F.L. operators unions became more mixed up over the weekend when Judge Will Leach issued a temporary injunction against Local No. 329 from picketing the Bulls Head Theatre and then ordered continued the temporary injunction obtained by the Comerford-Publix Corp. to restrain C.I.O. pickets from parading before its theatres.

Comerford counsel charged the company was an "innocent bystander" in the union dispute and that the picketing was interfering with the company's business.

Mexico City Circuit Workers on Strike

MEXICO CITY, Sept. 4.—Workers at the seven local theatres of the Cervantes Circuit walked out on strike over the weekend, when the circuit refused to meet their demand for a wage increase of 25 per cent and other concessions.

Officials of the circuit insist that it is impossible for them to operate profitably with the payment of the increase demanded.

Republic Closes Deal

BOSTON, Sept. 4.—Republic has closed a deal with Maine and New Hampshire Theatres for the new season product. The deal was closed by M. E. Morey, Boston Republic branch manager, and W. J. Sullivan of the circuit, following negotiations between James R. Grainger, Republic president, and John J. Ford, vice-president and general manager of the circuit.

Off the Antenna

THE first FM station to be individually owned and operated, W1XPW, affiliate of WDRC, Hartford, will be on the air with its own programs, staff and features by Sept. 16, Franklin M. Doolittle has announced. The station has been in operation for one year, but has been using WDRC and CBS programs.

Bob Provan, Jr., will be in exclusive charge of production and promotion and Ken McLeod and Carleton Brown will handle the transmitter.

• • •

Purely Personal: Allison Skipworth will be guest on "Command Performance" over Mutual Friday, Sept. 13, at 9:30 P.M. . . . Charles Ruggles, Jeanne Madden and Keenan Wynn will be guests of Rudy Vallee on the Sealtest show over NBC-Red Thursday, Sept. 12 at 10 P.M. . . . Walter B. Haase, WDRC, Hartford, program director, has returned after a two week vacation. During the interim he became the father of a boy, Richard Walter. . . . Ed McConnell will return to the NBC-Red network this Saturday at 11:45 A.M.

• • •

Another frequency modulation note is the announcement by the Radio Workshop of the College of the City of New York that it will emphasize FM in the six courses which will be given at the College this year. The courses will be under the direction of Seymour N. Siegel, WNYC program director, and Nancy Davids, formerly radio consultant to New York University.

Three of the courses will be given this Fall and three in the Spring. Those announced for the first semester include radio survey and station practices; production; and script writing.

'Dictator' Policy to Be Discussed Today

HOLLYWOOD, Sept. 4.—Charles Chaplin's "The Great Dictator" was viewed today by Murray Silverstone, head of world wide operations for U.A., and Jack Schlaifer and Harry Gold, sales managers, at the Chaplin studio.

Silverstone, Schlaifer and Gold will meet with Chaplin at luncheon tomorrow at which time the sales policy, release date and the possibility of advanced prices will be discussed.

Aarons Planning Accessories Units

PHILADELPHIA, Sept. 4.—George P. Aarons, general counsel for the United M.P.T.O. here, is organizing a cooperative unit for the production of screen process theatre advertising accessories to be set up in all centers.

Good St. Louis Season

ST. LOUIS, Sept. 4.—Civic theatrical enterprises in the city are closing their seasons in the black. The Civic and Town Square Theatres, amateur legitimate groups, enjoyed good seasons. The Municipal Opera found it necessary to add a midnight performance Saturday night in order to accomodate the demand to see "The Great Waltz," concluding feature. Crowds averaged 10,000 nightly for this attraction.

Ohio Makes 28 Cuts

COLUMBUS, Sept. 4. — The Ohio censor ordered 28 eliminations from a total of 549 reels reviewed in August, and rejected 10 reels for the week ending Aug. 30. During July, 53 eliminations were ordered from 521 reels reviewed. Figures for August, 1939, were 593 reels and 17 eliminations.

Hold Circuit Meeting

MINNEAPOLIS, Sept. 4.—Managers of Welworth Theatres, Inc., headed by E. R. Ruben, which operates a circuit in Minnesota, North and South Dakota and Wisconsin, held their semi-annual convention at the Nicollet Hotel here yesterday. Problems and Fall business plans were discussed.

Federal Control Asked in Mexico

MEXICO CITY, Sept. 4.—Federalization of the film industry as a means of relieving it of its acute depression and placing it again in the economic running is demanded in a resolution adopted at the convention here of the National Cinematographic Workers Union.

Congressman A. Zapata Vela, a prominent laborite who attended the meeting was delegated to further the Federalization proposition. He assured the delegates that the effort along this line would be successful.

The convention also went on record as approving the proposition of asking the Federal Government again to establish a bank to finance the picture industry. Government aid in this regard was promised the industry some time ago but nothing has yet developed. The delegates asserted that such a bank is an urgent necessity for the industry.

Work of the convention and the aspiration of the picture workers were lauded in an address by Lic. Vicente Lombardo Toledano, secretary general of the confederation of Mexican Workers and Mexico's chief labor leader.

Milgram Action Will Be Heard in Month

PHILADELPHA, Sept. 4.—The anti-trust suit of David Milgram, head of Affiliated Theatres, Inc., asking for triple damages of $110,000 against Warner Theatres and the major distributors here, is the first of such actions scheduled to be tried this month.

The suit, filed last March, is listed to be heard in Federal district court here either the last week of the month or the first week in October. Rumors that the basis for a settlement had been made were denied by Milgram, who said that he was not interested in any out-of-court mediation. The suit is a test on whether the first house in a zone should be given priority in the matter of picture preference.

Television in Color Amazes Press Group

(Continued from page 1)

ceive color would add only about 10 per cent to the cost, Goldmark said. He pointed out that attachments to the sets now on the market would be much higher because the small number, which he fixed at about 2,500, would not make quantity manufacture feasible.

The camera requires only about two to three times the light needed by a black and white iconoscope, he said, and he added that he was confident that it would be possible to pick up outdoor events with ease.

The camera works with three filters, red, green and blue in front of it and there is a similar arrangement in front of the receiver. Instead of scanning each frame 30 times per second, as is done in black and white, the color scanner does it 60 times per second with only one color at a time. For the complete merger of all three colors, there is a transmission at the rate of 40 frames per second.

Red is transmitted on the odd-numbered lines and green on the even-numbered lines. By the time the red is faded, the blue is transmitted on odd-numbered lines and the red comes on again on the even lines. The third scanning has green on the odd and blue on the even. The result is two complete frames in full color. The human eye does the rest.

Like Home Films

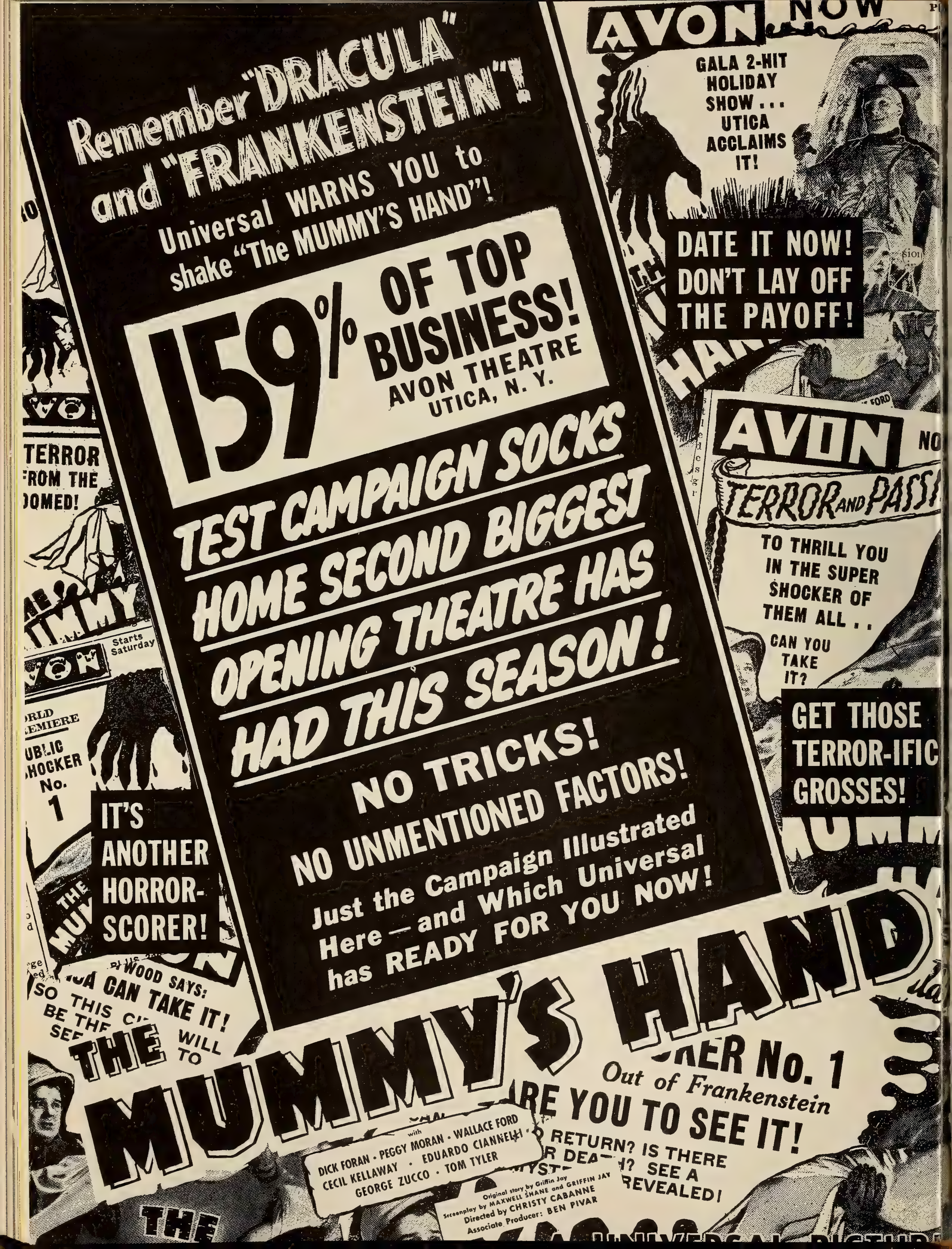
Yesterday's demonstration was of the quality of fairly good home films. It was taken on 16mm. Kodachrome film at the rate of 60 frames per second. However, Goldmark pointed out, the development for 35mm. film at 24 frames would not be difficult. Vivid colors, pale shades and pastels were contrasted and merged with remarkable fidelity.

Detail and contrast were also good, although the demonstration was made with only 175-line definition because of a temporary transmitter defect. Actually, Goldmark uses 343-lines and expects that it will reach the black and white standards of between 400 and 500 lines shortly. The demonstration took place over wires but it was broadcast last week in a demonstration for FCC Chairman James L. Fly. Goldmark asserted that the system would not require film and could be adapted readily to live talent shows.

Union Sues Houses In Contract Action

A suit for an injunction and damages for back salaries was filed in the N. Y. Supreme Court yesterday by Local 306 and six of its members against N. and R. Theatres, Inc., Parkshire Ridge Amusement Corp., the Williamsburg Photograph Corp., Photograph Amusement Corp., Metsun Amusement Corp., and six individuals.

The defendants are charged with breaching a contract made with the union under which they allegedly agreed to employ only union members in the booths of the Metro and Sun Theatres in Brooklyn.


AVON NOW
GALA 2-HIT HOLIDAY SHOW . . . UTICA ACCLAIMS IT!
AVON
NO
TERROR AND PASSI
TO THRILL YOU IN THE SUPER SHOCKER OF THEM ALL . . CAN YOU TAKE IT?
TERROR FROM THE DOOMED!
AVON
Starts Saturday
RLD PREMIERE
UBLIC SHOCKER No. 1
WOOD SAYS:
CA CAN TAKE IT!
SO THIS CI
BE THE
SEE
WILL
TO
KER No. 1
Out of Frankenstein
RE YOU TO SEE IT!
RETURN? IS THERE
R DEATH? SEE A
MYSTE
REVEALED!
THE
UNIVERSAL PICTURE

Remember "DRACULA" and "FRANKENSTEIN"!

Universal WARNS YOU to shake "The MUMMY'S HAND"!

159% OF TOP BUSINESS!

AVON THEATRE
UTICA, N. Y.

TEST CAMPAIGN SOCKS HOME SECOND BIGGEST OPENING THEATRE HAS HAD THIS SEASON!

NO TRICKS!

NO UNMENTIONED FACTORS!

Just the Campaign Illustrated Here—and Which Universal has READY FOR YOU NOW!

DATE IT NOW! DON'T LAY OFF THE PAYOFF!

GET THOSE TERROR-IFIC GROSSES!

IT'S ANOTHER HORROR-SCORER!

THE MUMMY'S HAND

with
DICK FORAN · PEGGY MORAN · WALLACE FORD
CECIL KELLAWAY · EDUARDO CIANNELLI
GEORGE ZUCCO · TOM TYLER

Original story by Griffin Jay
Screenplay by MAXWELL SHANE and GRIFFIN JAY
Directed by CHRISTY CABANNE
Associate Producer: BEN PIVAR

DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 48 NEW YORK, U. S. A., FRIDAY, SEPTEMBER 6, 1940 TEN CENTS

'U' Earnings In Year Seen At $2,025,000

Cowdin Cites Net During Hearing on Tax

Universal's earnings for the fiscal year ending Oct. 30 were estimated at $2,025,000 by J. Cheever Cowdin, chairman of the board, in testifying before the Senate Finance Committee in Washington yesterday on effects of the proposed Federal excess profits tax on companies.

J. C. Cowdin

The proposed tax would apply to current earnings of corporations as compared with their average earnings since 1937. Cowdin pointed out that the tax would be "discriminatory and inequitable" when applied to corporations like Universal, which are just recovering from a depression period. He related that Universal lost $1,084,000 in 1937; $591,178 in 1938, and had a profit of $1,153,321 last year, the company's first profitable year since 1934.

He charged that the tax would have disastrous effects on Universal, which currently owes over $4,880,000 for borrowings during the years of

(Continued on page 4)

Four-Week 'Pride' Gross Is $400,000

Although "Pride and Prejudice," which co-stars Greer Garson and Laurence Olivier, could have been held over for a fifth week at Radio City Music Hall, since the picture not only earned that right by grossing more than the required control figure over the weekend, and an exceptionally good gross, amounting to $96,000 for the full week, M-G-M has agreed to withdraw it in order that the Music Hall could alleviate its booking jam.

The picture grossed almost $400,000 in its four weeks at the theatre. It is one of those which entered the theatre's Hall of Fame attained by only three other pictures—the only pictures to play more than three

(Continued on page 4)

Walker Nomination Is Sent to Senate

Washington, Sept. 5.—President Roosevelt today sent to the Senate for confirmation the nomination of Frank C. Walker, operating head of the Comerford Circuit, to succeed James A. Farley as Postmaster General.

Affirmation of the nomination is expected to be given in the next few days.

Film 'Cartel' Stressed in Arnold Book

WASHINGTON, Sept. 5.—Thurman Arnold, Assistant Attorney General in charge of anti-trust cases, holds up the motion picture "cartel" as an example of how powerful corporations can dictate terms for the use of their products which adversely affect the public and can even resort to the Sherman Act itself to enforce monopolistic controls, in his new book, "The Bottlenecks of Business," to be published tomorrow by Reynal & Hitchcock.

The modern concept of the Department of Justice of the use of the consent decree in the settlement of anti-trust prosecutions is set forth in the volume.

Without referring specifically to any case now before the department, Arnold emphasized that any plan to end a suit by consent "must give substantial advantages to the public, to consumers, and to competitors in maintaining reasonable business practices in the future" which cannot be

(Continued on page 4)

"Hired Wife"

[Universal]

HOLLYWOOD, Sept. 5.—Just about everything the box-office doctor has been ordering for the care-ridden populace of this war-shadowed era is to be found in quantity in this smooth comedy produced and directed by William S. Seiter with a sparkling cast.

Here is Rosalind Russell in fine fettle as the bride referred to in the title, here is Brian Aherne as the bridegroom who doesn't know his own heart, and here is Robert Benchley as the bridegroom's attorney, enlivening proceedings, which are lively enough for any taste at all times, with demonstrations of sleeping, snoring, sleep-talking, recalling his famous short, "How to Sleep," on which he has improved with age. Here are, also, Virginia Bruce as an advertising-model, John Carroll as

(Continued on page 4)

SHER, HAYES HERE FOR BIG 5 MEETING

Weigh Earlier British Curfew Due to Raids

LONDON, Sept. 5.—Because of the night air raids on England discussions are under way among authorities and theatre operators with the view to establishing an earlier closing hour for theatres.

It is probable that a 9 P. M. curfew will be established for theatres in the Midlands industrial area until the end of hostilities. That portion of central England, where are located some of the most important of England's industrial plants, has been the object of the most vigorous Nazi attack from the air. However, exhibitors in the area, despite the fact that authorities favor such a move, and that business is poor, appear disinclined to agree to a general earlier closing at this time.

Many managers in the West End of London, although they have not

(Continued on page 4)

Schaefer at Capital For Defense Parley

George J. Schaefer, RKO president and chairman of the industry's national defense council, was in Washington yesterday for conferences with Government officials on industry participation in national defense activities.

Cohen Group to Seek to Negotiate to Drop Block-of-Five

Robert Sher and James Hayes of Thurman Arnold's staff will confer today with counsel for the Big 5, and spokesmen expect that these Washington officials will reveal the Department of Justice's views on the exhibitors' demands for alterations in the proposed decree to the representatives of the major company defendants in the New York suit.

Max Cohen

That the meeting in Washington between the Government and exhibitors was acrimonious has been revealed by reports which have reached New York since the meeting.

Max A. Cohen, head of New York Allied, an M.P.T.O.A. affiliate, said yesterday, in describing the hearing:

"We came to air our views, but instead got the air."

The Cohen group will endeavor to open negotiations with the five consenting companies in the Government's anti-trust suit to obtain their approval of elimination of the block-of-five sales proposal from the pending consent decree and the substitution for it of a graduated cancellation right on whole or partial block buys.

Cohen sent telegrams yesterday to

(Continued on page 4)

Para. Declares 3rd Dividend on Common

The board of directors of Paramount Pictures, Inc., yesterday declared a dividend on the common stock of 15 cents per share. This is the third common dividend since the reorganization of the company. The first was declared July 15, 1939, and the second on July 1 of this year.

The directors also declared a quarterly dividend of $1.50 on the first preferred stock, and a quarterly dividend of 15 cents on the second preferred stock. The common dividend is payable Oct. 1 to stockholders of record on Sept. 16, and the preferred is payable Oct. 1 to stockholders of record Sept. 17.

SEC Reports Atlas Purchase of RKO Securities in July

WASHINGTON, Sept. 5.—Heavy buying of RKO securities by the Atlas Corporation in July was disclosed today by the Securities and Exchange Commission.

The semi-monthly summary of the S. E. C. revealed that during the month the Atlas Corp. acquired 26,901 shares of RKO common stock and 800 shares of six per cent convertible preferred. At the close of July, the corporation held 591,090 shares of common direct and 268,230 shares through the American Company, together with 327,812 warrants for common and 30,681 shares of preferred stock.

The report also showed that Joseph M. Schenck, chairman of the 20th Century-Fox board, disposed of 6,000 shares of his company's preferred stock during July, leaving him with 8,784 shares, and that J. Robert Rubin, vice-president and general counsel of Loew's, disposed of 600 shares of Loew's common stock, leaving him with 25,015 shares.

A report on Columbia Pictures showed that Nate B. Spingold held 10,178 shares of Columbia common stock through a holding company and 100 shares jointly on Feb. 7, last, when he became a director in the corporation.

Herbert Bayard Swope, director in Columbia Broadcasting System, reported the disposition of 1,600 shares of CBS Class A common stock, leaving him with 4,780 shares held direct and 3,000 shares held through the Keewaydin Corp.

Drop Plan for Phila. Vote on Sunday Film

PHILADELPHIA, Sept. 5.—Rev. William B. Forney, secretary of the Lord's Day Alliance, leading a campaign against Sunday films, today abandoned his plan of placing the question for Philadelphia on the ballot. Today was the deadline for filing the necessary petition.

Although he was ready to file, Rev. Forney decided this was not an opportune time because of the urgent political issues. He decided to postpone the referendum until next year.

Lindy's
INC.
RESTAURANTS

1626 BROADWAY 1655
(Next to the Rivoli Theatre) (51st Street Corner)

For over 20 years the luncheon and dinner place for Motion Picture People

Sole agents in New York for FAMOUS

BLUM'S ALMONDETTES
from
San Francisco, California

Personal Mention

EARL HUDSON, operating head head of United Detroit Theatres, is in New York for conferences at the Paramount home office.

●

LYNN FARNOL, United Artists advertising and publicity director, is expected from the Coast and Fort Worth by plane today.

●

ED KUYKENDALL, M.P.T.O.A. president, will leave for Washington tomorrow.

●

MORRIS MENDLESOHN, Loew-Poli attorney in New Haven, is on a hiking trip through New Hampshire.

●

KEYES PERRIN, son of OSCAR PERRIN, manager of the Fabian Grand in Albany, is broadcasting on baseball over WBZ-WBZA, Boston.

●

ALDEN LOCKHART, manager of the Regent in St. John, N.B., was married this week to JEAN WILLIAMS, with GORDON BRIGGS, Regent projectionist, and GENEVIEVE BREEN of Regal Films in attendance.

●

CECIL B. DE MILLE, has returned to Hollywood from a trip which took him to New York and Washington, N. C., his home town.

●

BUDD ROGERS, JAMES CRON, RAY GALLAGHER, EDWARD MCEVOY, JACK HALEY and ARTHUR LEE, lunching at the Tavern yesterday.

●

GRADWELL L. SEARS, CHARLES E. MCCARTHY, TOBY GRUEN, HARRY BRANDT, ROBERT WEITMAN, MAX A. COHEN, MAX DREYFUS, OWEN DAVIS, CHARLES SONIN, ALAN FREEDMAN, LOUIS DREYFUS, CHARLES STERN, HARRY WEINSTOCK, IRVING CAESAR and MAURICE BERGMAN at Nick's Hunting Room in the Astor for lunch yesterday.

●

A. W. SMITH, CLAYTON BOND, STANTON GRIFFIS, RALPH KOHN, WILLIAM A. SCULLY, DON JACOCKS, NAT KARSON, AL ALTMAN, ROWLAND LEIGH, SAM DEMBOW, AL LEWIS, ARTHUR KRIM and LEE SHUBERT at Sardi's yesterday for lunch.

●

IRVING BERLIN, JIMMY RITZ, ARTHUR SILVERSTONE, LOU BRANDT and J. J. MILSTEIN lunching at Lindy's (51st St.) yesterday.

●

EMANUEL SILVERSTONE, JERRY SAFRON, SOL EDWARDS and SEYMOUR POE at Lindy's (next to the Rivoli) yesterday for lunch.

Skouras to East on Big Film Price Rise

HOLLYWOOD, Sept. 5.—Charles Skouras, head of Fox West Coast, will leave for New York this weekend to discuss with National Theatres executives his announced plan to raise admission prices for "Brigham Young," "Strike Up the Band" and "Down Argentine Way."

Skouras, encouraged by the results of the increased admission of "Boom Town," will increase prices from 55 cents to 75 cents at Loew's State and Grauman's Chinese for the three films.

Nearly Whole Town

"Boom Town," playing at advanced prices at the Rialto, Lewiston, Pa., was seen by two-thirds of the entire population of the city, Paul O. Klinger, manager of the theatre, reported to the M-G-M home office yesterday. Population there is about 14,000.

Bright Phila. Stage Season Anticipated

PHILADELPHIA, Sept. 5.—Early legitimate stage openings in Philadelphia presage a bright season ahead for theatregoers, who are promised choice portions of stage fare, including a number of New York hits with most of the attractions promised carrying screen names. For the first time in many years, the season got under way before Labor Day. The Forrest Theatre, a Shubert house, opened Aug. 27 for "Hold on to Your Hats" with Al Jolson, Martha Raye and Jack Whiting. Ed Wynn, as star and producer, follows with his "Boys and Girls Together" revue on Sept. 16. Katharine Hepburn in "The Philadelphia Story" comes in Sept. 30.

The Locust St. Theatre, also operated by the Shuberts, lights up Sept. 9 with "New Pins and Needles." About a dozen other attractions, including those sponsored by the American Theatre Society, theatre subscription group, are definitely assured for the Shubert houses this season, although the only definite date is "There Shall Be No Night" with the Lunts, opening at the Forrest for two weeks on April 1, 1941.

The booked attractions include Shapespeare's "Twelfth Night" with Helen Hayes; "The Time of Your Life" with Eddie Dowling and Julie Hayden; "DuBarry Was a Lady" starring Bert Lahr; "My Dear Children" with John Barrymore; "Hellzapoppin';" "The Man Who Came to Dinner;" "Ladies in Retirement" with Flora Robson; "Separate Rooms" with Glenda Farrell, Allen Dinehart and Lyle Talbot; George Abbott's "Too Many Girls;" and "Skylark" with Gertrude Lawrence.

The Erlanger Theatre, independent house, also expects to be active during the coming season with a number of plays to be announced later.

Urge New Cincinnati Hall for Amusements

CINCINNATI, Sept. 5.—Influential interests are urging City Council to recommend a $2,000,000 bond issue for construction of a 12,000-seat convention hall for sports events and other amusements, the building to be connected by tunnel with nearby Music Hall with a 3,500-seat auditorium, the largest in the city.

Lifton Party Today

Louis Lifton, Monogram advertising and publicity chief, will be tendered a farewell luncheon at Toots Shor's today by the Ampa board of directors, of which he has been a member. Attending will be Leon J. Bamberger, Joseph Gould, Ed Schreiber, Paul Lazarus, Eli Sugarman and Martin Starr. Lifton leaves Monday for the Coast.

Newsreel Parade

THE transaction by which the U. S. leased eight British bases in exchange for American World War destroyers is the highlight of the new issues. President Roosevelt is given prominence as he is seen speaking at the dedications of the Chickamauga Dam and the Great Smoky National Park. The reels and their contents follow:

MOVIETONE NEWS, No. 104—Roosevelt speaks at dedications. Destroyers for England; transaction discussed by Lord Lothian. R. A. F. pilots repel German air raiders. Beauty pageant at Atlantic City. Golf championships. Lew Lehr.

NEWS OF THE DAY, No. 302—Swap destroyers for naval bases; Lord Lothian analyzes deal. French army in England. Choose "Miss America" at Atlantic City pageant. Golf tournament. Skiing on water.

PARAMOUNT NEWS, No. 3—Presidential election in Mexico. Grow crops for war sufferers in Massachusetts. Honeymoon Island closed. Pennant race discussed by sportsmen. Roosevelt addresses nation. Destroyers exchanged for naval bases; Lord Lothian vows fleet not to be surrendered. Prepare ships for British.

RKO PATHE NEWS, No. 3—Roosevelt speaks. U. S. ships for British bases. American pilot buried in England. Political riots in Buenos Aires. Beauty parade in Atlantic City. Golf games.

UNIVERSAL NEWSREEL, No. 908—Destroyers to Britain; Lord Lothian talks on deal. Roosevelt speaks at dedications. American flier buried in England. School styles. Atlantic City beauty pageant. Girls in feather fight. Twin convention in St. Louis. Nelson wins golf title. Auto races in Colorado.

Frankel Quits Pathe Lab Sales Position

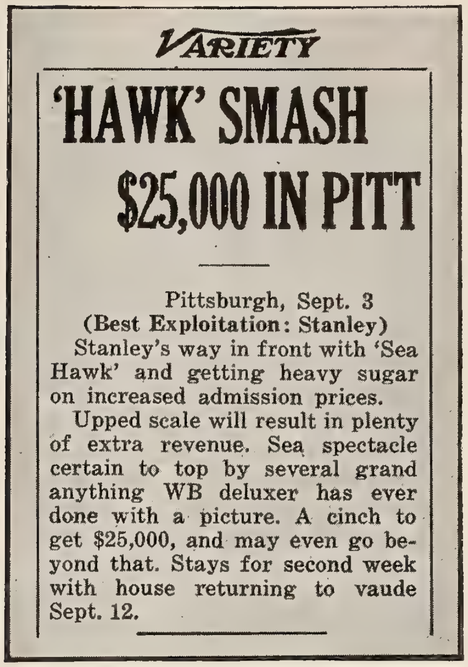
Daniel Frankel has resigned as sales manager of Pathe Laboratories after 10 years association with the company. He was in charge of foreign operations for Pathe Exchange from 1930 until the producing and distributing assets were sold to RKO and continued in charge of foreign liquidation for two years thereafter. He assumed the post of sales manager when Pathe entered the commercial laboratory market in 1933.

Gilbert Davidson Dies

ST. JOHN, N. B., Sept. 5.—After an illness of eight months, Gilbert D. Davidson, 63, one of the first commercial motion picture cameramen in the maritime provinces, died at Campbellton, N. B.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c



VARIETY

'HAWK' SMASH $25,000 IN PITT

Pittsburgh, Sept. 3
(Best Exploitation: Stanley)

Stanley's way in front with 'Sea Hawk' and getting heavy sugar on increased admission prices.

Upped scale will result in plenty of extra revenue. Sea spectacle certain to top by several grand anything WB deluxer has ever done with a picture. A cinch to get $25,000, and may even go beyond that. Stays for second week with house returning to vaude Sept. 12.

There's nothing unusual about this ad

ERROL FLYNN
'THE SEA HAWK'
BRENDA MARSHALL
CLAUDE RAINS
Donald Crisp • Flora Robson • Alan Hale
Directed by MICHAEL CURTIZ
Screen Play by Howard Koch and Seton I. Miller
Music by Erich Wolfgang Korngold
A Warner Bros. -First National Picture

IT'S JUST THE REPORT OF ANOTHER AMAZING RECORD IN ANOTHER INCREASED-SCALE ENGAGEMENT OF THE STRONGEST ATTRACTION SINCE 'ANTHONY ADVERSE' FROM WARNER BROS.

Sher, Hayes Meeting With Big 5 Today

(Continued from page 1)

the presidents and distribution heads of the five consenting companies, setting forth the views of the majority of exhibitors at the hearing in Washington on Tuesday and specifically asking the company executives whether or not they will agree to the substitution of block selling with cancellation for the block-of-five proposal.

No Replies Received

Up to late yesterday Cohen had received no replies from any of the executives addressed. They were: Nicholas M. Schenck and William F. Rodgers of Loew's, both of whom were out of the city yesterday; Barney Balaban and Neil F. Agnew of Paramount; Sidney R. Kent and Herman Wobber of 20th Century-Fox; George J. Schaefer of RKO, who was out of the city yesterday, and Ned E. Depinet of the same company, and Albert W. Warner and Gradwell L. Sears of Warners.

Cohen's wire asserted that the exhibitors had been informed by Assistant U. S. Attorney General Thurman Arnold in Washington, Tuesday, that the Government had been unable to obtain a cancellation right in the course of its negotiations on a consent decree and that it believed further negotiations to be useless. Cohen's wire, however, stated that the exhibitors at the Washington meeting "understood" that Arnold would accept cancellation on block buys in place of the block-of-five sales proviso if the exhibitors could obtain the approval of the consenting companies to the substitution.

Cohen Urges Caution

Cohen's wire cautions the consenting companies that the exhibitors are determined to fight the adoption of the decree in its present form and urges them to agree to the change in the selling proposal in order to avoid "useless and expensive litigation which will continue for a period of years."

Cohen pledges New York Allied to present the substitute sales proposal to the Department of Justice if all five consenting companies agree to granting cancellation on block buys and to eliminate the block-of-five sales proposal from the decree.

Meanwhile, Cohen revealed that New York Allied is already preparing to intervene in the Government's anti-trust suit in order to oppose the decree if it goes to Federal Judge Henry W. Goddard for confirmation on Oct. 7 with the block-of-five sales proposal included. Jacob Schechter of the law firm of Schechter & Sulzberger was instructed by Cohen yesterday to begin intervention preparations.

Cohen also revealed that a national poll of individual exhibitors is being undertaken by mail to determine the stand of every active exhibitor in the country on the block-of-five proposal. The results will be used in the event the exhibitors are compelled to go into court to oppose the adoption of the pending decree, it was said.

The New York I.T.O.A. next Wednesday at 1 P.M. will hold a membership meeting at the Hotel Astor for a general discussion of the block-of-five provision of the consent decree in the Government anti-trust suit. Harry Brandt, president, will preside. Invitations have gone out to such circuit executives as George Skouras, Louis Frisch, Sam Rinzler, Walter Reade, and Max Cohen, representing Allied of New York, an M.P.T.O.A. affiliate. The I.T.O.A. is conducting a vote among members on the provision.

"Hired Wife"

[Universal]

(Continued from page 1)

a Latin opportunist, and such supporting talent as Hobart Cavanaugh, Richard Lane, William Davidson, Leonard Carey, Selmer Jackson, William Halligan, George Humbert and many more.

The story which engages these talents, from the pen of George Beck and treated for screening by Richard Connell and Gladys Lehman, is about a cement manufacturer who fancies himself in love with a blonde interested only in his money, his secretary who marries him in name only so that he can put his wordly goods in her name by way of outwitting competitors, his attorney who counsels him to the marriage but declines to proceed with procurement of an annulment and, in a running sequence of amusing situations, the events that transpire before the manufacturer finds out that he's been in love with his secretary all along. The outline has a familiar ring but the execution of it is stimulatingly different.

The picture is for laugh purposes only, serving them quite impressively on the occasion of its Hollywood preview, and is free of cliches both as to situation and dialogue. Glenn Tryon is listed as associate producer to Seiter.

Running time, 96 minutes. "G."*

ROSCOE WILLIAMS

"G" denotes general classification.

Film 'Cartel' Cited In Arnold's Book

(Continued from page 1)

obtained by continuing the criminal prosecution.

"This process puts it up to businessmen to correct the evils in their own industries," he insisted. "The department under no circumstances tells them what to do. It simply puts a deterrent upon the violations of law and gives them an opportunity to work out a different method of accomplishing their lawful objects if they choose."

The motion picture "cartel," he said, grew up "under Government neglect" and, he added, "it is going to take years of expensive litigation and loss to stockholders to straighten it out."

Timing Bad, Flynn Action Is No Stunt

The suit filed by Errol Flynn on the Coast against Constancia de la Mora, Harcourt, Brace & Co. and others, charging her book, "In Place of Splendor," presented him in an unfavorable light, could not have been a publicity stunt for "The Sea Hawk" or any other Flynn film because it was too badly timed, one Warner official said yesterday.

He pointed out that "The Sea Hawk" opened here four weeks ago.

Form New Company

ALBANY, Sept. 5.—Cinemasters, Inc., has been chartered here by Arthur Leonard, Irving D. Hyland and Milton H. Klein, New York.

Paramount Sets Its Bookings to Jan. 1

The Broadway Paramount has completed its booking schedule for the rest of 1940, according to Robert M. Weitman, managing director. Following "Rhythm on the River," which plays a third week starting next Wednesday, the following films have been booked, in the order named:

"Rangers of Fortune," "I Want a Divorce," "Victory," "Arise, My Love," "Northwest Mounted Police" and "Love Thy Neighbor," the Jack Benny-Fred Allen film, which will conclude the year. Various "name bands" will appear in conjunction with the films.

British Weigh Early Curfew Due to Raids

(Continued from page 1)

as yet been officially consulted on the matter of earlier closing, are known to favor a shorter operating day, with a curfew at 10 P. M.

It is believed in informed quarters that an earlier closing hour is inevitable, in view especially of the longer night periods during which bombing raids may be expected as Winter approaches.

Assessment Hearing Set

N. Y. Supreme Court Justice Ferdinand Pecora has ordered the New York Tax Commission to appear Sept. 23 to defend the assessed valuation of $165,000 on a laboratory at 544 W. 43rd St., which Paramount claims was overassessed $30,000 for 1940.

Loew Guide to News

Loew's Movie Guide, which lists attractions at all Loew theatres in New York, will appear daily in the New York *Daily News* starting Monday. This brings to six the total of New York dailies carrying the guide. Circulation of the newspapers is over 4,000,000. it is said.

Discuss Arbitration In Consent Decree

Attorneys for the five consenting companies in the Government's anti-trust suit met yesterday with officials of the American Arbitration Association at the latter's headquarters for a further general discussion of the proposed arbitration procedure under the pending Federal consent decree.

The establishment of local boards and their functions were discussed generally in the third of a series of meetings on arbitration under the decree. The next meeting is scheduled for Monday.

'U' Earnings Seen At $2,025,000

(Continued from page 1)

losses, owes nearly $3,000,000 in accrued and unpaid dividends on its preferred stock and has a sinking fund requirement on its first preferred stock. The bill would increase Universal's taxes to more than 47 per cent of estimated net income for 1940, although the company will derive no benefit from defense or Government taxes and, in fact, is actually harmed by war conditions through the loss of its foreign business.

He urged the committee to permit corporations to select any one of the last four years as the basis for determining excess profits; to permit consolidated returns; to compute earnings on invested capital at eight per cent, instead of a minimum of five per cent, before an excess profits tax is applied, or to include a third alternative basis for determining excess profits, allowing a credit of eight per cent on a company's gross business.

Cowdin arrived in New York from Washington last night.

Four-Week 'Pride' Gross Is $400,000

(Continued from page 1)

weeks—"Snow White and the Seven Dwarfs," "Rebecca" and "All This, and Heaven Too."

Two new films had big openings yesterday with capacity houses and waiting lines outside. They were "Boom Town" at the Capitol and "Lucky Partners" at the Music Hall. "No Time for Comedy" with a stage show headed by Larry Clinton's orchestra starts at the Strand this morning.

Rolling up a strong take, "He Stayed for Breakfast" with a stage show drew an estimated $61,000 for its first week at the Roxy and will be held over. Aided by the Labor Day weekend, "Gone With the Wind" continued its upward climb of the past seven weeks and grossed an estimated $14,500 for its 37th week at the Astor. "I Love You Again" was good for an estimated $35,000 for its third week at the Capitol, while "The Sea Hawk," with Phil Spitalny's band on the stage, drew an estimated $38,00 in its fourth week at the Strand.

"BOOM TOWN"
"BOOM TOWN"
"BOOM TOWN"
BOOM TOWN
GABLE • TRACY
COLBERT • LAMARR
BOOM TOWN

"BOOM TOWN's ON BROADWAY! HOORAY!"

TRACY
LAMARR
BOOM
TOWN

"GABLE! TRACY! COLBERT! LAMARR! OH BOY!"

A.SCHULTE
BOOTHS
KNOX
SUPREME COURT
SALE

"ADVANCED PRICES? WHO CARES!"

(As we boom to press, the perspiring Capitol management reports "Boom Town" opening is the biggest in two years! And from other cities comes news of hold-overs in the 3rd, 4th and 5th weeks. *Your* town will soon be a Boom Town!)

'Divorcement' Gets $23,000 Frisco Lead

San Francisco, Sept. 5.—"Bill of Divorcement" zoomed to $23,000 with the personal appearance of Dorothy Lamour at the Golden Gate, for one of the best grosses of the Summer. "He Stayed for Breakfast" paired with "The Secret Seven" for $14,500 at the Orpheum.

Estimated takings for the week ending Aug. 27-30:

"Bill of Divorcement" (RKO)
GOLDEN GATE—(2,850) (40c-50c-55c) 7 days. Stage: vaudeville. Gross: $23,000. (Average, $15,000)

"He Stayed for Breakfast" (Col.)
"The Secret Seven" (Col.)
ORPHEUM — (2,440) (15c-35c-40c-50c) 7 days. Gross: $14,500. (Average, $8,000)

"Return of Frank James" (20th-Fox)
"Girl from Avenue A" (20th-Fox)
FOX—(5,000) (15c-35c-40c-50c) 7 days, 2nd week. Gross: $14,000. (Average, $16,000)

"Golden Fleecing" (M-G-M)
"Young People" (20th-Fox)
PAKAMOUNT—(2,740) (15c-35c-40c-50c) 7 days. Gross: $10,000. (Average, $11,500)

"Pastor Hall" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $5,000. (Average, $8,000)

"All This, and Heaven Too" (W.B.)
ST. FRANCIS—(1,400) (15c-35c-40c-50c) 7 days, 3rd week. Gross: $6,200. (Average. $6,000)

"I Love You Again" (M-G-M)
"Mystery Sea Raider" (Para.)
WARFIELD — (2,680) (15c-35c-40c-50c) 7 days, 3rd week. Gross: $9,000. (Average, $12,000)

"The Baker's Wife" (Foreign)
CLAY—(400) (15c-39c-44c-55c) 7 days, 10th week. Gross: $1,200. (Average, $1,000)

'Hall' and 'Hawk' Philadelphia Best

Philadelphia, Sept. 5.—Cool evenings and rainy days helped the box-office at the Aldine. "The Sea Hawk" took $17,000 at the Boyd, and "Pastor Hall" drew $12,000 at the Aldine. The Earle and Stanley, playing "He Stayed for Breakfast" simultaneously, accounted for $27,500 collectively. The Aldine reopened with "Pastor Hall" and did well with $12,000.

Estimated takings for the week ending Aug. 28-31:

"Pastor Hall" (U.A.)
ALDINE — (1,400) (35c-41c-46c-57c-68c) 7 days. Gross: $12,000. (Average, $9,000)

"Pride and Prejudice" (M-G-M)
ARCADIA — (600) (35c-46c-57c) 7 days, 2nd run. Gross: $4,200. (Average, $2,600)

"The Sea Hawk" (W.B.)
BOYD — (2,400) (35c-41c-46c-57c-68c) 7 days, 2nd week. Gross: $17,000. (Average, $13,000)

"He Stayed for Breakfast" (Col.)
EARLE — (4,000) (35c-41c-46c-57c-68c) 7 days. Gross: $12,500. (Average, $14,000)

"Flowing Gold" (W.B.)
FOX—(3,000) (35c-41c-46c-57c-68c) 7 days. Gross: $14,500. (Average. $13,000)

"I Love You Again" (M-G-M)
KARLTON—(1,000) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $6,000. (Average, $3,000)

"Boys From Syracuse" (Univ.)
KEITH'S—(2,200) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $4,000. (Average, $4,500)

"He Stayed For Breakfast" (Col.)
STANLEY—(3,700) (35c-41c-46c-57c-68c) 7 days. Gross: $15,000. (Average, $14,000)

"Golden Fleecing" (MGM)
STANTON—(1,700) (35c-46c-57c) 7 days. Gross: $4,000. (Average, $4,500)

Blumenstock on Opening

Mort Blumenstock, in charge of Warner publicity and advertising in the East, leaves for South Bend today in preparation for the opening of "Knute Rockne—All American," Oct. 4 in that city.

Off the Antenna

ELECTION NOTES: Looking forward to the evening of Nov. 5, WNEW has made arrangements for special wires and four teletype machines with Associated Press. New Jersey and New York election results will be covered in addition to the national balloting. . . . Adopting the "battle page" used by newspapers, WHN will star a new show, "On With the Argument," Monday. It will be heard weekly at 9 P. M. with Maurice C. Dreıcer as arbiter. Representatives of both presidential candidates will be given free time to air their views. . . . The Bronx Willkie-for President Club has purchased spot announcements over WMCA to promote Willkie's candidacy.

• • •

Program News: *WABC has full sponsorship of its 6 P.M. news periods with the sale of the Tuesday and Thursday spots to Vanti Pa-Pi-A. . . . Miles Laboratories has renewed "National Barn Dance" over 57 NBC-Red stations. . . . Procter & Gamble will sponsor "This Small Town" over NBC beginning Sept. 30, Mondays through Fridays at 10 A.M. P. & G. will drop "Mid-Stream" from the network on Sept. 27. . . . Ted Husing will start the CBS Saturday football series on Sept. 28 with the Minnesota-Washington game. . . . The 11th consecutive series of Sunday afternoon concerts by the New York Philharmonic over CBS will start Oct. 13. . . . Alfred W. McCann, Jr., will start the 15th year of the "Pure Food Hour" over WOR this Monday.*

• • •

Julius J. Colby, formerly dramatic and film critic for the Ridder papers, has been named dramatic editor of WMCA, effective Sept. 16. Colby will report first night films and plays immediately after an opening and will coordinate all film and dramatic material used on the station. His reviews will be confined to audience reaction—Colby will not attempt criticism.

He was associated with D. W. Griffith as assistant advertising manager in 1911 and resigned several years later to become film editor for the New York *American* and *Evening Journal.* For the past 19 years he was with the *Journal of Commerce* and the *Staats Zeitung,* local Ridder papers.

• • •

Purely Personal: *Bing Crosby made a guest appearance on the* Golf *magazine's program over WHN last night. . . . Floyd Buckley, Ethel Morrison, Gretchen Davidson and Roger de Koven have joined the cast of "My Son and I." . . . Mary Astor, 20th Century-Fox star, will be heard on the Kate Smith hour in a dramatization of the film "Brigham Young" over CBS. . . . Mark Warnow has been signed to lead the orchestra and Harry Von Zell to do the announcing on the "Helen Hayes Theatre" over CBS which starts Sunday, Sept. 29 at 8 P. M.*

W. B. Managers Hold Zone Meet in Albany

Albany, Sept. 5.—Eastern New York theatre managers and Warner Circuit zone officials held an all-day meeting here yesterday at the call of M. A. Silver, zone manager.

Silver, calling for alert salesmanship and showmanship, discussed Fall policies and urged the managers to get the most out of the product. The need for closely scrutinizing expense items was also stressed.

Present besides Silver were: Charles A. Smakwitz, district manager; Max Friedman, booker; Joseph Weinstein, short subject booker; James Faughnan, contact manager; Jules Curley, advertising; James Wotton, maintenance and repairs; Leo Drexler, assistant contact manager. Managers included: Andrew Roy, Strand; Mel Conheim, Ritz; Edward Selette, Albany, and Al LaFlamme, Madison, all Albany; Jack Swartout, American; Sid Sommer, Lincoln; Leo Rosen, Troy, in Troy; William Haines, Stanley; Arnold Stoltz, Avon, and Jack Breslin, Utica, in Utica.

Silver will address Western New York managers at Elmira next week.

'Dictator' Policy Talks to Continue

Hollywood, Sept. 5. — Murray Silverstone, U. A. head of world wide operations, said today that discussions regarding the premiere date and sales policy for "The Great Dictator" were still in progress and that no details had been set yet. Silverstone will return to New York Monday or Tuesday.

'Syracuse' Draws $5,700, Pittsburgh

Pittsburgh, Sept. 5.—"The Boys From Syracuse" drew $5,700 and a second week at the Fulton, while "I Love You Again," in its second week, took $14,900 at the Stanley.

Estimated takings for the week ending Aug. 29:

"Young People" (20th-Fox)
ALVIN—(1,800) (28c-39c-55c) 7 days. Gross: $4,500. (Average, $6,000)

"The Boys From Syracuse" (Univ.)
FULTON—(1,700) (25c-44c) 7 days. Gross: $5,700. (Average, $4,500)

"Lucky Partners" (RKO)
LOEW'S PENN—(3,400) (29c-39c-55c) 7 days. Gross: $10,000. (Average, $13,000)

"River's End" (W. B.)
"Millionaires in Prison" (RKO)
RITZ—(800) (28c-44c) 7 days. Gross: $2,200. (Average, $4,000)

"I Love You Again" (M-G-M)
STANLEY—(3,600) (28c-39c-55c) 7 days, 2nd week. Gross: $14,900. (Average, $13,000)

"Queen of Destiny" (RKO)
"Ladies Must Live" (W. B.)
WARNER—(2,000) (28c-44c) 7 days. Gross: $3,200. (Average, $5,000)

Petrillo Injunction Plea Off to Sept. 17

N. Y. Supreme Court Justice Carroll G. Walter yesterday adjourned to Sept. 17 the application of the American Guild of Musical Artists for a temporary injunction against James C. Petrillo, president of the American Federation of Musicians, to restrain the latter from banning prominent instrumentalists as members of A.G.M.A. from the screen, stage and air.

The adjournment was ordered on agreement of both parties. Justice Aaron Steuer will hear the application for an injunction on the adjourned date.

F.C.C. Grants Westinghouse New Licenses

Washington, Sept. 5.—The Federal Communications Commission today canceled its proposed Oct. 7 hearing on the contractual relations between Westinghouse and National Broadcasting Co. and granted renewal of license to the four Westinghouse stations, but gave warning that its action was not a precedent for further approval of broadcast licensees disposing of their rights and privileges through contracts.

The commission last January ordered a hearing on the contractual relations between the two organizations. It canceled the hearing on a showing by Westinghouse that it had abrogated its agreement with NBC under plans made before the hearing was ordered and that its stations, WBZ and WBZA, Boston; KYW, Philadelphia, and KDKA, Pittsburgh, are now operating independently and have only the regular affiliation contract with the chain.

Operation of the stations had been in the hands of NBC since November, 1932, the commission alleging they had signed away their operating rights without its consent.

SAG Moves to Get 4-A's Out of AFL

Hollywood, Sept. 5.—Undercover moves are being made by certain Screen Actors Guild leaders to withdraw the Associated Actors and Artistes of America, parent body of all actor unions, from the American Federation of Labor, it was learned today. For the second time within a year, the S.A.G. withdrew last night from the Central Labor Council, and this is regarded here as the first step.

The reason for the withdrawal move is understood to be the current jurisdictional dispute between the American Guild of Musical Artists, a 4-A affiliate, and the American Federation of Musicians. The dispute is almost certain to be aired at the forthcoming A.F.L. convention and it is believed that the A.F.M. can muster sufficient support to win on the convention floor.

Opposition within the 4-A to a withdrawal move is expected to come from Actors Equity and American Guild of Variety Artists, as those organizations cooperate closely with other A.F.L. unions.

No reason was given last night for the withdrawal from the Council. The first withdrawal was based on the support given by Council executives to William Bioff, I.A.T.S.E. representative, when the latter fought extradition to Chicago.

Asks Creditor Plan

Petition for a creditor arrangement has been filed in the Federal court by the U. S. Record Corp., manufacturers of Royale and Varsity Records. The petition lists liabilities of $93,147 at Aug. 31 and assets of $165,000. The company claims it sold 2,000,000 records in the past year.

WHAT WAS YOUR BIGGEST GROSS THIS YEAR ?

"FOREIGN CORRESPONDENT" will top it at your theatre, just as it has topped the 1940 U. A. record-holder in all these situations!

NEW YORK CITY, RIVOLI...
Nothing even closely approaches its sensational performance! This 1,900 seat house plays to 90,000 admissions for first week. Held over for indefinite long run.

CLEVELAND, LOEW'S STATE...
Opening tops U. A's. biggest grosser by $400. Moves over to Stillman for continuous first run.

ROCHESTER, LOEW'S...
Standing-room crowds cheer it at every performance! In four days it beat the average full week's gross by more than 50%. Held over second hit week.

TOLEDO, LOEW'S VALENTINE...
Holds over second week after topping the season's best.

ASBURY PARK, PARAMOUNT...
New season's record falls to "Foreign Correspondent" as picture holds over at the Paramount for a second week.

MONTREAL, LOEW'S...
First four days beat any picture house has played for past year by $3,800. Held over!

OTTAWA, ELGIN...
Hits highest gross of any picture in two and a half years. Sunday all time record for money and attendance. Held over indefinitely.

ALFRED HITCHCOCK'S
Production of

FOREIGN CORRESPONDENT

STARRING
JOEL McCREA
WITH
LARAINE DAY · HERBERT MARSHALL · GEORGE SANDERS
ALBERT BASSERMAN · ROBERT BENCHLEY
Directed by ALFRED HITCHCOCK

Released thru United Artists

Good Advertising

WILL FILL THOSE EMPTY SEATS

★ And...the BIG 3 in Theatre Advertising is GOOD advertising. It doesn't oversell . . . it doesn't undersell...it gives them just enough to make them want to see more. It excites their curiosity and makes them feel that what you have to sell is worth more to them than the price of admission! *That's why they are the Best Seat-Sellers in the Business.*

NATIONAL Screen SERVICE
ADVERTISING ACCESSORIES, INC.
NATIONAL Screen ACCESSORIES

DO NOT REMOVE

Alert
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 49 — NEW YORK, U. S. A., MONDAY, SEPTEMBER 9, 1940 — TEN CENTS

U.S. Guarding Against Films From Abroad

Customs Agents Warned On Subversion

WASHINGTON, Sept. 8.—Customs officials throughout the country have been specifically instructed by the Treasury Department to require strict compliance with the Tariff Act prohibition upon the importation of subversive motion pictures.

The warning was issued by the Department in an official announcement of the enactment by Congress last June of a bill repealing the 1912 ban on the importation or interstate transportation of fight films and the corresponding amendment of Treasury regulations.

Collectors and other officials were cautioned that they must require all importers of films to make affidavit on Form 3291 "that the imported film contains no obscene or immoral matter, or any matter advocating or urging treason or insurrection against the United States, or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States."

Helprin Gets Leave As Korda Assistant

Morris Helprin, production assistant to Alexander Korda, has been granted a leave of absence in order to proceed with plans for production of a play, "The Hard Way," on Broadway this season, in association with Allan Boretz, author of the hit play, "Room Service." Helprin, however, will continue in association with Korda's Eastern headquarters, and will supervise special campaign plans on "The Thief of Bagdad." Helprin also is seeking a play for Katherine Locke (Mrs. Morris Helprin) for the coming season.

The roadshowing of Alexander Korda's "The Thief of Bagdad" is being given consideration by the producer and United Artists sales executives.

If the policy is decided upon, the New York roadshow engagement would require the consent of Radio City Music Hall, which has booked the picture for October showing. Elsewhere, the distributor would be free to set the policy.

Final decision is expected with the return of Maurice Silverstone, Harry

(Continued on page 3)

Independent Exhibitors Intensify Decree Fight

Justice Department Is Reported Feeling It Useless to Attempt to Satisfy Demands of All Exhibitors

By SAM SHAIN

The "war" between the independent exhibitors and the Government grew more severe over the weekend, as the Government was reported feeling that it is useless to try and satisfy all the exhibitors.

Although the Big 5 attorneys expected to meet with Robert Sher and James Hayes of Thurman Arnold's staff on Friday, the meeting had to be postponed until today. When counsel for the Big 5 arrived at the Bar Association Friday morning, they learned that Sher and Hayes had postponed their trip to New York.

Following Max A. Cohen's telegram to the heads of the Big 5, asking for support in obtaining a change in the selling provisions of the proposed decree, it was revealed that in view of world economic conditions, at least one of the major companies is reluctant to consider any scale of cancellation as a permanent plan, although all are anxious that peace be restored between the Government and the independent exhibitors.

The head of another leading company expressed the view that his firm's stand on cancellation can best be answered by the fact that his company accepted such a provision, after consultation with exhibitors, in the old trade practice code.

Others of the Big 5 feel that they are not free to discuss the matter with exhibitors. They indicate officially, however, that should the Department of Justice see fit to take up specific demands of the com-

(Continued on page 3)

Kuykendall Carries On

Exhibitor groups were urged yesterday by Ed Kuykendall, M.P.T.O.A. president, to continue discussions and negotiations with the Department of Justice with the aim of obtaining desired changes in the pending Federal consent decree before initiating legal actions of any kind.

This course, in any event, will be followed by M.P.T.O.A., Kuykendall revealed following weekend conferences with high ranking trade officials here.

Kuykendall pointed out that the decree is not yet in final form and that it has still to be approved by the Federal court.

Asserting that he believes that 98

(Continued on page 3)

Walker's Nomination Confirmed by Senate

Washington, Sept. 8.—The Senate on Friday confirmed the nomination of Frank C. Walker, circuit head and M.P.T.O.A. general counsel, as Postmaster General. In assuming his Cabinet post, Walker is expected to disassociate himself from his business activities.

Study Screen Part In Defense Effort

WASHINGTON, Sept. 8.—The National Defense Commission and War and Navy Department officials are holding numerous conferences with motion picture executives regarding the part to be played by the film industry in the national defense program.

Officials of the three organizations explained that the film companies are exploring ways in which they can be of assistance in furthering all phases of the defense effort. The army group is particularly enthusiastic over the support the film industry has given the recruiting drive.

Administration officials have been assured that the producers will cooperate in every way possible by the making of news, short and feature pictures.

Beal Sees Television in Theatre Within a Year

Television will be installed in theatres some time within the next year, in the opinion of Ralph Beal, who heads RCA's research department. Beal does not expect any widespread use of theatre television within that time but he feels that the first steps will be taken in 1941.

Discussing the new art from an engineer's viewpoint, Beal does not see television established over the country in the immediate future. It will be a matter of years, according to him.

Although television will be able to take advantage of many of motion picture's technical advantages, the screen will stay ahead of television for many years to come, he says. He foresees two classes of services, one for the home and the other for the theatre. In a television service for theatres, costly dramatic productions will be possible which might be economically unsound for free or sponsored service to homes. In addition, on-the-spot sports events might make valuable additions to a theatre program, he points out, and sport promoters could collect an additional "gate" which would not be possible if events were telecast generally.

The theatre service could be dis-

(Continued on page 8)

20th-Fox British to Produce 7 in Year

LONDON, Sept. 8.—Ignoring the daily bombing raids of Nazi planes, the British organization of 20th Century-Fox held a convention this weekend, presided over by Francis L. Harley, managing director in this country. The meeting included luncheon at the American Club and dinner at Bray, Thames River resort.

Harley disclosed the company plans a 12-month British production program of seven or eight films to cost about $2,000,000. Included will be: "Kipps," "Paddy, the Next Best Thing," "Pitt the Younger" and "Spitfire."

Rockne Week to Be Observed Nationally

SOUTH BEND, Sept. 8.—Plans for nationwide celebration of Knute Rockne Week, beginning Sept. 29, were set over the weekend by Mort Blumenstock, Warner head of publicity and advertising in the East, Father Cavanaugh, vice-president of Notre Dame University, and Mayor Pavey of this city. The festivities conclude with the premiere of "The Life of Knute Rockne" at the Colfax, Palace and one other theatre on Oct. 4.

On the eve of the premiere a party of Hollywood personalities headed by Jack L. Warner, vice-president in charge of production; Hal Wallis, studio executive; Pat O'Brien, Donald Crisp, Ronald Reagan and other members of the cast will arrive here. They will be greeted by Mayor Pavey at a public reception and by State and civic officials at a private party at the Oliver Hotel later. Mrs. Knute Rockne will be presented a print of the film by Warner at a dinner in the evening. Knute Rockne Clubs all over the country will hold dinners at the same time.

On Oct. 4, the party will visit Rockne's grave and there will be a luncheon at the new City Auditorium. The Notre Dame Glee Club and Choir will accompany the stars for personal appearances at the three premieres in the evening. Kate Smith will review the personal appearances on her CBS program that evening and will mention the film on her daily newscasts at 12:30 P. M. On Oct. 5, the party will attend a Notre Dame-College of the Pacific football game and stars of the film will be heard during the broadcast over Mutual.

Dunlap to Remain At Talisman Plant

HOLLYWOOD, Sept. 8.—Scott R. Dunlap, who will produce Monogram's special releases, will continue at the Talisman studios, although the Paul Malvern, Lindsley Parsons, Sam Katzman, Edward Finney, George Weeks and Charles Goetz units are moving along with Monogram's executive offices to the International studios. The major portion of the International studios have been leased by Monogram with an option to purchase.

Louis Lifton, who is expected from New York next week, will direct the advertising department with William Peirce continuing as publicity head, according to W. Ray Johnston, president.

Music Award to Berlin

For his composition, "God Bless America," Irving Berlin will receive an award of the National Committee for Music Appreciation at the organization's annual dinner tonight at the Waldorf-Astoria. George A. Sloan, executive of the Metropolitan Opera Association, also will be honored, for his contributions to opera. Plaques will be presented to each.

Democrats Name O'Reilly

Charles L. O'Reilly has been appointed chairman of the Motion Picture Division of the Democratic National Committee. He left for the Coast yesterday to organize a studio unit for the campaign.

Personal Mention

NATE J. BLUMBERG, Universal president, will arrive from the Coast today. MATTHEW J. FOX, vice-president, will remain at the home office another week before leaving for the studio.

•

CRESSON E. SMITH, Western division sales manager for RKO, will leave tonight on a business trip to Chicago.

•

MRS. RICHARD DALY, New York secretary to ED KUYKENDALL, left Saturday on a vacation cruise to the West Indies.

•

HAL HORNE, Eastern representative for WALT DISNEY, and RICHARD CONDON, publicity representative, will leave for the Coast in about two weeks to make final arrangements for "Fantasia" showings.

•

HAROLD S. DUNN, Warner manager in the Far East, has arrived on the Coast, and plans to sail for Singapore at the end of the month.

•

E. C. CAHILL, manager of RCA Photophone, is back from the Coast and spent a few days here before returning to Camden, N. J.

•

C. L. STONG of Western Electric's public relations department, returns from his vacation today.

•

JOHN E. DEVINE, advertising manager of Alexander Smith & Sons Carpet Co., is back from his vacation.

AUSTIN C. KEOUGH, Paramount vice-president and general counsel, is vacationing at Williamstown, Mass., where he is prepared to be called back to town on short notice.

•

BETTY GOLDSMITH, secretary to JAMES A. MULVEY, was guest of honor at a birthday cocktail party yesterday given by BEN WASHER of Donahue & Coe.

•

STANLEY GOODMAN and CARL WEBER of Weber Machine Corp., have concluded an inspection tour of the supply dealers throughout the country.

•

LARRY DAVEE, formerly of Erpi and recently of Motiograph, is now field representative for Century Projector Corp.

•

LEW SCHREIBER, casting director for 20th Century-Fox, will arrive here in about two weeks to see some shows and look over talent.

•

JOSEPH FEENEY, manager of the Orpheum, Clarksburg, West Va., is visiting here.

•

RUBE JACKTER, Columbia assistant sales manager, left for Oklahoma City last night on a one-week trip.

•

MRS LEO SPITZ has returned here from the Coast.

•

WILLIAM WYLER is in town.

•

MACK MILLAR has arrived here.

Opening in U. S. of 'Northwest' Oct. 25

The U. S. premiere of Paramount's "Northwest Mounted Police" will be held at the Chicago Theatre, Chicago, Oct. 25, four days after the picture's world premiere at Regina, Canada.

Cecil B. DeMille, producer of the picture, and members of the cast, which is headed by Gary Cooper, Madeleine Carroll and Paulette Goddard, will attend the Chicago opening, which will be broadcast over Station WGN.

National exhibition policy for the picture, including the possibility of several roadshow engagements, will be decided at a meeting of Paramount district and division managers to be held in Kansas City on Wednesday and Thursday of this week. Neil F. Agnew, vice-president and distribution head; Adolph Zukor, chairman of the board, and Robert M. Gilham, advertising and publicity director, will leave here today to attend the meeting.

Win Softball Pennant

SCRANTON, Pa., Sept. 8.—By winning the second half flag the Capitol Theatre team captured the all-season pennant in the Scranton District Comerford Theatres Softball League. As a result of the victory the Capitol is meeting the Penn-Orpheum, Willkes-Barre district champions, for the inter-city title.

Gets Rights on 'M'

Leo Malchin has acquired the distribution rights for Latin America on "M," Peter Lorre foreign film.

Tronolone Is Pathe Lab Sales Manager

Nick Tronolone, who has been with Pathe Laboratories for the past four years, has been named general sales manager to succeed Dan Frankel, resigned. Tronolone started in the industry as a cameraman and later operated his own laboratory. He was in the Consolidated Film Industries sales department for 12 years prior to joining Pathe. For the past few months he has been in charge of Pathe's New York laboratory.

William Baer, formerly Tronolone's assistant, will assume charge of the New York laboratory. Baer has been with Pathe Laboratories for the past three years, prior to which he was with Pathe News for 17 years.

CEA Will Discuss Portable Showings

LONDON, Sept. 8.—The general council of the Cinematograph Exhibitors Association on Wednesday will consider a new plan of the Ministry of Information for non-commercial shows of instructional films this Winter.

Under the plan 200 portable projectors would tour the country. Consideration of the new price scales for British theatres is not on the agenda for the council meeting.

Daigler Quits Hamrick

SEATTLE, Sept. 8.—Hal Daigler has resigned as assistant to John Hamrick, chief executive of Hamrick-Evergreen Theatres here. Daigler was responsible for the operation of the circuit's five downtown first run houses.

Nickel Night

SAC CITY, Ia., Sept. 8.—Nickel night, inaugurated at the Casino on Aug. 29-30, will be continued every Thursday and Friday. On these nights, the patron buys one ticket and gets the second for a nickel. The theatre is owned by George Norman of Storm Lake and Jack Kuech of Charles City, who own a number of theatres in northern Iowa.

Ohio ITO Attacks Unlicensed 16mm.

COLUMBUS, Sept. 8.—The board of directors of the I.T.O. of Ohio has passed a resolution asking the state censor board to appoint two qualified inspectors to check conditions in the 16mm. field and to halt the exhibition of uncensored films.

The board pointed out that Ohio theatres are suffering seriously from the competition of 16mm. films carrying no censorship stamp, which are shown in open air theatres, night clubs and similar places.

A statement from P. J. Wood, secretary of the I.T.O., said: "We have thoroughly investigated and have a record of all locations of bootleg films. The total is surprisingly high. We have appealed to the Ohio censor without success. We will now resort to every possible expedient to end this terrible competition which is working havoc among theatres. The Ohio law provides for the censorship of all films. We propose to enforce strict compliance at all costs."

The directors set the annual convention for Oct. 30-31 at the Deshler Wallick Hotel here.

Donat Best Actor In Film Daily Poll

Robert Donat was voted the outstanding actor for 1939-'40 for "Goodbye, Mr. Chips," in the first joint exhibitor-newspaper critic poll conducted by *Film Daily*. Bette Davis won the actress honors, while Mickey Rooney and Virginia Weidler took the awards for juvenile actor and actress. Supporting players named were Thomas Mitchell and Hattie McDaniel. Frank Capra was voted the outstanding director.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Rodgers, Exhibitors Hold Chicago Parley

Chicago, Sept. 8.—William F. Rodgers, general sales manager of M-G-M; H. M. Richey, Rodgers' assistant; J. E. Flynn, division manager, and W. H. Workman, Minneapolis branch manager, here on Friday discussed with E. L. Peasley, new president of Northwest Allied, and Sol Lebedorf, director, problems confronting the organization's members. Rodgers is proceeding from here to Cleveand Cincinnati.

Helprin Gets Leave As Korda Assistant

(*Continued from page* 1)

Gold and Steven Pallos from the Coast early this week. L. J. Schlaifer has already returned. They conferred with Korda on the policy for "The Thief of Bagdad" while on the Coast to determine policy for Charles Chaplin's "The Great Dictator."

Abundance of Releases

United Artists has a greater number of completed pictures on hand now than at any time during the past year. In addition to the Korda and Chaplin pictures, there are Samuel Goldwyn's "The Westerner," Edward Small's "Kit Carson," Walter Wanger's "Foreign Correspondent" and James Roosevelt's "Pastor Hall," with others slated for completion soon.

The current abundance of releases induced the distributor to resume selling to Famous Players in competitive localities in which it has sold only to independents for the past several years. This is being done to avoid overlong delays of releases. For some time past United Artists has sold to Famous Players Canadian only in closed situations.

Income Tax Refund To Cinematographer

WASHINGTON, Sept. 8.—The Board of Tax Appeals has held that the publication of *The American Cinematographer,* from which it secures a small income, and the creation of a benefit fund for totally disabled members do not deprive the American Society of Cinematographers of the income tax exemption granted non-profit, scientific organizations.

The board disapproved deficiencies of $418 assessed against the organization's 1936 income by the Commissioner of Internal Revenue and ordered a refund of $713 which it had paid in taxes.

Michalov Sails Soon For Australian Deal

Formal closing of the deal for consolidation of Greater Union Theatres with Hoyt's, Australia's two leading circuits, is expected now to take place late next month.

Dan Michalov, assistant to Sidney R. Kent, 20th Century-Fox president, plans to leave for Australia later this month to be on hand for the closing. Final arrangements for his departure will be made following conferences with Kent, who is scheduled to return from Maine next weekend.

Hollywood Reviews

"The Range Busters"

(*Monogram-Weeks*)

HOLLYWOOD, Sept. 8.—George W. Weeks' first production for Monogram, offered as first of a series, strikes a high level of Western entertainment. It is full of action, forthright in its dishing out of conflict and mystery, and the identity of the killer, who achieves plenty of execution, is adroitly concealed until the end.

Featured in this and the films to follow are Ray "Crash" Corrigan, John "Dusty" King and Max "Alibi" Terhune, cowhands who roam the West looking for wrongdoings and putting them to rights. In this number they solve the mystery surrounding the supposedly ghostly shootings occurring with regularity on the ranch of a young lady who supplies, for this subject, the romantic interest, inconclusively disposed of. It's a quite complicated chain of events they find themselves involved in, but they untangle them successfully.

Anna Bell Ward is down as associate producer to Weeks, Melville Shyer as production manager. Roy Luby directed and John Ruthnell supplied the screenplay. Supporting players are Luana Walters, Leroy Mason, Earle Hodgins, Frank LaRue, Kermit Maynard, Bruce King and Duke Matthews. There's some singing and guitar-playing in it but not too much.

Running time, 56 minutes. "G."* ROSCOE WILLIAMS

"G" denotes general classification.

'Sea Hawk' $10,000 High in Milwaukee

MILWAUKEE, Sept. 8.—"The Sea Hawk" was the week's best grosser with $10,000 at the Warner. "The Return of Frank James" and "The Girl from Avenue A," for two days ending a two-week run and "I Love You Again" and "The Captain Is a Lady," for five days at the Fox Wisconsin, connected for $8,100.

Estimated takings for the week ending Sept. 5:

"Comin' Round the Mountain" Para.)
"The Great McGinty" (Para.)
"Rhythm on the River" (Para.)
"Queen of the Mob" (Para.)
PALACE—(2,400) (30c-40c-55c) 2-5 days. Gross: $5,400. (Average, $4,000).
"Sing, Dance, Plenty Hot" (Rep.)
RIVERSIDE—(2,700) (28c-44c) 7 days. Stage: Blackstone. Gross: $8,000. (Average, $6,500)
"The Lady in Question" (Col.)
"Lucky Cisco Kid" (20th-Fox)
"The Return of Frank James" (20th-Fox)
"The Great McGinty" (Para.)
STRAND—(1,400) (30c-40c-55c) 2-5 days. Gross: $1,500. (Average, $1,500)
"The Sea Hawk" (W. B.)
WARNER—(2,400) (30c-40c-55c) 7 days. Gross: $10,000. (Average, $4,500)
"The Return of Frank James" (20th-Fox)
"The Girl From Avenue A" (20th-Fox)
"I Love You Again" (M-G-M)
"The Captain Is a Lady" (M-G-M)
WISCONSIN—(3,200) (30c-40c-55c) 2-5 days. Gross: $8,100. (Average, $5,500)

W. B. Coast Circuit Sets Republic Deal

LOS ANGELES, Sept. 8.—Republic closed a deal with the Warner Pacific Coast Theatres for the entire 1940-'41 product lineup. The deal was negotiated by James R. Grainger, president, and Francis Bateman for the distributor, and Lou Halpern and Port Major for the circuit.

Schlaifer Arrives From Coast Parley

L. J. Schlaifer, vice-president and Western general sales manager of United Artists, arrived from the Coast yesterday after conferences with Charles Chaplin and company executives on sales policies and distribution of Chaplin's "The Great Dictator."

Kuykendall Urges Fight be Continued

(*Continued from page* 1)

per cent of the theatre owners are opposed to the decree's provision for picture sales in blocks of five, the M.P.T.O.A. president declares that he believes the five consenting distribution companies "themselves would agree to a reasonable cancellation privilege," thus answering the exhibitors' primary objection to the decree as it now stands.

Intimating that he also believes such a change would be acceptable to the Department of Justice, Kuykendall points out that the block-of-five sales proposal without any cancellation right prevents the exhibitor a freedom of choice in film buys which could be used to serve community taste in pictures. For this reason, he asserts, the decree will not serve the public welfare, "which is one of the objectives of the Department of Jutice, as I understand it, and I am further convinced that the Department realizes this," Kuykendall said.

"It is my sincere belief," he concluded, "that the decree can be worked out in a much more satisfactory form, and M.P.T.O.A. will continue to work with the Department of Justice and all concerned so long as they will permit us to do so."

'Howards' Showing Held in Philadelphia

PHILADELPHIA, Sept. 8.—Approximately 1,500 persons, including Frank Lloyd, Martha Scott, exhibitors and circuit officials from this territory, attended the trade showing of Columbia's "The Howards of Virginia" at the Carmen here last night.

A cocktail party and dinner preceded the showing, with Harry Weiner, Columbia branch manager here, and his sales force as hosts. Floyd Hopkins of Wilmer & Vincent circuit, and Jay Emanuel and Moe Wax assisted. Press representatives from Philadelphia, Wilmington, Reading and Harrisburg attended.

Independents' Decree Fight Is Intensified

(*Continued from page* 1)

plaining independent exhibitors, as a specific program of change, the companies would not be unwilling to consider them. However, the Big 5 spokesmen stated that any changes which might be sought must be of a specific nature and not general.

As regards the exhibitors' demands for a high cancellation privilege, the situation for the Big 5 was thus summed:

"No company can make 20 per cent of its features under present world economic conditions to be cancelled or thrown away. To do so would be economic suicide."

Heads of all the principal companies, however, are disturbed by the present fight between the exhibitors and the Government. By the objections of the exhibitors to the decree, the companies are placed in direct conflict with their customers.

On Saturday, Ed Kuykendall, president of the M.P.T.O.A., met with Frank C. Walker, counsel for that organization, regarding the changes sought.

Justice Department Stunned

Those who attended the Washington hearing report that the opposition expressed by exhibitors to the decree has stunned the Department of Justice. Department officials are described as being "amazed" at the "ingratitude" of the exhibitors and to feel that the exhibitors are "mistakenly" assuming that the Department of Justice is trying to set up trade practices.

"This is a settlement of a lawsuit and not a matter pertaining to the setting up of trade practices," Thurman Arnold is reported to have declared.

Says Block Booking Illegal

Arnold told the exhibitors that block booking is illegal, and that this was a vital part of the Government's prosecution of the case, but that a small block, such as five films as proposed under the decree might not be considered in the same light.

At the hearing, Arnold is described as having flatly rejected the exhibitors' proposals for cancellation.

That many of the exhibitors' fears regarding the proposed decree are largely "imaginary," was also expressed by Arnold, spokesmen state, and that he viewed the situation mostly as psychological, and that because of the pendency of the suit the companies already have granted many concessions to exhibitors.

It is stated also that Arnold feels that the exhibitors do not understand what the Department of Justice can do under the anti-trust laws, and that it was limited in how far it could go. Block booking was "illegal," and that was that.

Raise 'Kildare' Budget

HOLLYWOOD, Sept. 8.—M-G-M will increase budgets on the "Dr. Kildare" series, and has set Robert Young to support Lionel Barrymore and Lew Ayres in the next.

THE MOST DARING . .

SINCE

MAUREEN O'HARA · LOUIS HAYWARD
LUCILLE BALL

in

Vicki Baum's

story

DANCE

Film Daily Says—

"Strong human interest musical drama . . . A feature attraction with power and ability to score in all situations . . . Packed with entertainment . . . A load of class and mass appeal."

THE MOST INTIMATE FOOTLIGHT DRAMA STAGE DOOR!"...

Two kinds of glamour girls in a fight for a man—and fame! . . . Music, laughs, heart-thrills and sparkling allure in this sensational story of a man-minded girl-show teaser and a starlet battling for success!... A picture as amazing and revealing as it is entertaining—and BOX OFFICE ALL THE WAY!

GIRL, DANCE

R K O
RADIO
PICTURES

VIRGINIA RALPH
IELD · BELLAMY

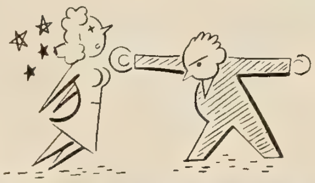
RY CARLISLE · KATHARINE ALEXANDER · EDWARD BROPHY
LTER ABEL · HAROLD HUBER and MARIA OUSPENSKAYA

HARRY E. EDINGTON—*Executive Producer*
duced by ERICH POMMER · *Directed by* DOROTHY ARZNER
Screen Play by Tess Slesinger and Frank Davis

"MY HUSBAND STRUCK ME"

Writes Mrs. Otto Nobetter

"My husband struck me as the biggest dope I'd ever met until I saw Paramount's 'I Want A Divorce' and realized all husbands are goons . . . but a wife can't live without one. Girls, I advise you to see . . .



JOAN BLONDELL
DICK POWELL
in Paramount's
"I WANT A DIVORCE"
A Comical Comedy—A Revealing Romance

Directed by RALPH MURPHY · Screen Play by Frank Butler · Based on a Story by Adela Rogers St. Johns

Hollywood Review

"No Time for Comedy"

(*Warners*)

HOLLYWOOD, Sept. 8.—James Stewart and Rosalind Russell have the principal roles in this filmization of the S. N. Behrman play which served as a stage vehicle for Katharine Cornell. It emerges as a sophisticated comedy which pokes fun at small towns, playwrights "with a message," wealthy patronesses of the arts and, at times, the institution of marriage.

The story concerns the success as a playwright of a young man from a small Minnesota town who then becomes involved in writing "a drama with a message." The play fails, his wealthy "inspiration" drops him and he is reconciled with his actress-wife.

Supporting Miss Russell and Stewart, who execute highly commendable performances, are Genevieve Tobin, Charles Ruggles, Allyn Joslyn, Clarence Kolb and Louise Beavers. Julius and Philip Epstein, whose credits include some of Warners' top pictures, adapted the play.

William Keighley directed with a taut hand the comedy dialogue, some of which reaches new highs. Robert Lord was associate producer under Hall B. Wallis.

It is adult entertainment.

Running time, 99 minutes. "A."* VANCE KING

"A" denotes adult classification.

Theatre Changes

Joins Madison Theatre

MADISON, Wis., Sept. 8.—Burdette Schwenn has been named assistant manager of Warner-Saxe's Capitol here, succeeding Thomas Mack, who has been named manager of the circuit's National in Milwaukee.

Takes Over House in Kansas

KANSAS CITY, Sept. 8.—Paul Gossett, who used to operate the theatre at Coldwater, Kan., has assumed operation of the Rialto, Lyndon, Kan., from J. Ward Spielman. Spielman has the Gem at Baldwin, Kan.

Reopening Kansas House

KANSAS CITY, Sept. 8.—R. J. Langhofer is reequipping and reopening the Plains theatre at Plains, Kan., which has been dark for a year. It formerly was operated by A. N. Gilliat.

Reopen Connecticut Theatre

TORRINGTON, Conn., Sept. 8.—Warners have reopened the 1,200-seat Palace here after a week's dark period for remodeling.

To Build Georgia House

GREENSBORO, Ga., Sept. 8.—Contract for construction of a new theatre here has been signed by W. R. Boswell and J. M. Reynolds, Jr., operators of the Greenland. The house will seat 660.

Plan Virginia Theatre

HILTON VILLAGE, Va., Sept. 8.—According to Hunter Perry, manager of Dominion Theatres, work will start shortly on a new theatre here, to seat 500 to 600.

Sells Illinois Theatre

FULTON, Ill., Sept. 8.—Barney Brotman, owner of the Paradise Theatre at Moline, Ill., has sold the Royal here to Burdette Ross.

Buys Columbus Theatre

COLUMBUS, O., Sept. 8. — Harry Knight, who operates the local Royal, has purchased the 470-seat neighborhood New from Lou Holleb.

Open Pennsylvania House

LARKVILLE, Pa., Sept. 8.—The new Larksville Theatre here has been opened by Joseph Emashowski. He formerly operated a Larksville Theatre here, but closed it recently.

Adding New Marquee

WEST DES MOINES, Ia., Sept. 8.—Mrs. Faye West, owner of the Lyric Theatre, has built a new modern marquee over the theatre front.

To Rebuild Burned House

GRUNDY CENTER, Ia., Sept. 8.—John Marshall, manager of the burned Grand Theatre, has started clearing away the site preparing for the erection of a new theatre.

Take Over Wisconsin House

NEENAH, Wis., Sept. 8.—The Embassy Theatre here, formerly operated by Fox, has been taken over by Greater Chicago Theatres, which contemplates improvements to the house.

Managers Transferred

MARINETTE, Wis., Sept. 8.—Clarence Wall, manager of Fox's Lloyd in Menominee, Mich., has been named manager of the circuit's Fox here. He is succeeded at the Lloyd by Russell McNamee, former manager of the Colonial at Iron Mountain, Mich.

Opens Connecticut House

NEW BRITAIN, Conn., Sept. 8.—Nick Marlemes, new operator of the Rialto, has opened the house after complete renovations.

Reopen Baltimore Little

BALTIMORE, Sept. 8. — The Little Theatre here, having been closed for part of the Summer, has reopened after redecoration.

Plans Maryland Theatre

BALTIMORE, Sept. 8.—Plans are being prepared for a new 700-seat theatre at Glenburnie, Md., by J. Harry Gruver of Catonsville. Gruver is the owner of the Glen at Glenburnie, and is secretary and treasurer of the New Theatre here.

Theatre Changes

Form Frisco Company

SAN FRANCISCO, Sept. 8.—The San Pablo Avenue Theatre Co. has been incorporated with stock of $50,000, by Paul Aglietti, Herbert and H. J. Bluechel. The incorporators have transferred the Ey Rey Theatre of Oakland, formerly known as the Plaza to the new concern.

Plan California House

UPPER LAKE, Cal., Sept. 8.—The Nottingham Building is being remodeled by Jackson and Taylor of Santa Rosa, who will open a theatre in the structure soon.

Remodel San Jose Theatre

SAN JOSE, Cal., Sept. 8.—The Liberty Theatre here is being remodeled.

Reopen San Francisco House

SAN FRANCISCO, Sept. 8.—The United Artists Theatre, first run downtown house, has reopened after a brief shutdown for renovation.

To Build Texas Theatre

SAN ANTONIO, Sept. 8.—Tol Teeter, operator of the Joy here and the Joy in Houston, will build a new theatre in Corpus Christi showing pictures and vaudeville.

Reopen Hartford Theatre

HARTFORD, Conn., Sept. 8. — The Harris Brothers have reopened their 4,000-seat State, closed for the Summer. This is Connecticut's only regular big name vaudeville house.

Reopen House in Florida

LIVE OAK, Fla., Sept. 8.—The Martin Circuit has reopened the Suwannee Theatre, which was closed Feb. 3.

Building Cincinnati Theatre

CINCINNATI, Sept. 8.—Willis Vance, who operates the Ohio and Eden, local suburbans, and the State, neighborhood house at Newport, Ky., just across the river from here, has acquired a site for a new 750-seat theatre at Oakley, nearby suburb.

Reopen Indianapolis Apollo

INDIANAPOLIS, Sept. 8.—Dark since Spring the Apollo here has reopened under management of Clifford C. Wallace. The downtown showhouse is owned by Charles M. Olson. C. L. Hannah will be assistant manager.

Renovate New Haven House

NEW HAVEN, Sept. 8.—The Grand Theatre Corp. has begun the reseating and renovation of the Cannon here.

Warners Acquire Houses

PITTSBURGH, Sept. 8.—Warners have acquired the Melrose and Varrick here an dthe State, Wilkinsburg, Pa. The Melrose is the circuit's first venture into the south end of Pittsburgh. They already operate the Rowland in Wilkinsburg.

Manages Cincinnati Grand

COLUMBUS, O., Sept. 8. — Charles Winthrop again will manage the RKO Grand here, which has reopened after having been dark for the Summer. The house has been renovated. Winthrop was working with C. Harry Schreiber, manager of the RKO Palace, while the Grand was closed.

A STATEMENT TO THE AMERICAN PEOPLE

Regarding the Aims and Policies of The British War Relief Society

☆

The rapid growth of The British War Relief Society, Inc., now a nation-wide organization with more than 200 branches and over 30,000 contributors, has aroused great interest and attracted countless inquiries for further information concerning the Society and its functions. This statement is published in response to this widespread and sympathetic interest in all parts of the country.

Origin, Aims and Policies

The British War Relief Society, Inc., was organized late in 1939, with the approval of the British Ambassador in Washington, to give an opportunity to all friends of Great Britain in the United States to participate directly in war relief work for Britain. Registered with the State Department of the United States, its purposes are:

1. To receive contributions, in money and in kind, from people of British birth and descent in this country, and from all other friendly persons desiring to lend their support to this humanitarian task.

2. To dispense these contributions wisely and promptly in response to the most urgent British needs. The closest contact is maintained with the British Red Cross and other approved British war relief organizations.

3. To arrange free transportation on shipboard for its own relief goods and for those of other war relief organizations operating on behalf of Britain in the United States. This is done by official arrangement with the British Ministry of Shipping.

The British War Relief Society does not conflict with the American Red Cross, with which it has a close and cooperative understanding.

Accomplishments

The British War Relief Society, Inc., has developed rapidly. Day after day new branches are organizing; daily more workers and more contributors add their unselfish support to this cause.

Ships sailing out of New York harbor week after week have carried cargoes of vital relief supplies from The British War Relief Society, such as the following:

- Ambulances
- X-Ray Units
- Surgical Instruments
- Surgical Bandages
- Hospital Dressings
- Drugs and Medicines
- "Kitchens on Wheels"
- Equipment and Supplies for Hospital Beds
- Woolen Knitted Goods

For the many thousands of evacuees and destitute refugees in Great Britain, the Society has shipped large quantities of used clothing, clean and in good condition.

Acknowledgment of the value of this work has come in many letters and cables of sincere thanks from relief organizations in Great Britain.

Greater Service Opportunities Ahead

Every day the struggle intensifies and more and more people in the United States realize its tragic consequences. Bombs fall among civilians as well as among soldiers, in villages as well as upon ships. Newspapers, radio and newsreels tell America a running story of human suffering.

Britain faces its enemies with belt tightened and all resources summoned for the conflict. Men, women and children of the British Isles, casualties of the war and those who suffer in a dislocated economy, can be helped by all who wish to help them in this grave hour through contributions to The British War Relief Society.

We deeply appreciate the generosity which has permitted the Society to do so much. We earnestly hope that the Society will be able to do infinitely more.

THE BRITISH WAR RELIEF SOCIETY, INC.

587 Fifth Avenue, New York City

Registered with U. S. State Dept. No. 208

Television in Theatre Seen Within a Year

(*Continued from page 1*)

seminated over frequencies which could not be received on home sets or over telephone wires, he says. This is a matter to be worked out and he is confident that the telephone company will be ready to supply a wire service if it is needed. RCA is still working on a large screen suitable for theatres but Beal would not say when it will be ready.

When television really gets going, Beal believes, programs will originate principally from two or three points, probably New York, Hollywood and Chicago, and will be broadcast on nationwide hookups.

The next big technical development for motion pictures will probably be "perspective" sound, in the opinion of Beal. When actors cross from one side of the stage to the other, the sound should originate from different places, he points out, and off-stage sound effects would heighten reality to a considerable extent. However, "perspective" sound will not reach its best usefulness until the screen occupies the entire proscenium, he says. With the visual attention centered on a small portion of the stage, the fact that the sound also issues from a limited area is not important. However, with a screen which covers the entire front of an auditorium and "perspective" sound issuing from the point at which it apparently occurs, a motion picture will achieve a reality now available only in the legitimate theatre, Beal declares.

Shift Managers in W. B. Chicago Zone

CHICAGO, Sept. 8.—A number of changes in management in Warner theatres in the Chicago zone have been made by James E. Coston, zone manager, as follows:

Eli Arkin, from Venetian, Racine, Wis., to Avalon, Chicago; Al Blasko, Paramount, Hammond, Ind., to Parthenon, Hammond; Marcel Brazee, Parthenon, Hammond, to Venetian, Racine; Robert Busch, Shore, Chicago, to Jeffrey, Chicago; Marlowe Conner, Avalon, Chicago, to Sheboygan, Sheboygan, Wis.; Eugene Hopson, Jeffrey, Chicago, to Oakland Square, Chicago; Robert Kennedy, Oakland Square, Chicago, to Symphony, Chicago; Irving Lipnick, Symphony, Chicago, to Shore, Chicago; Harry Mintz, Sheboygan, Sheboygan, to Paramount, Hammond.

Plan Mexican Station

MEXICO CITY, Sept. 8.—Acapulco, historic Pacific coast port-resort, is to have a powerful radio station. It is being installed by a syndicate of businessmen of the port under Federal franchise and is to open in October.

Serving the Albany district—third highest per capita rating in the country. Use

Station WABY (NBC Blue)

Off the Antenna

INDICATIVE of the importance assigned by NBC to the radio recording division of the network was the announcement Friday of the election of C. Lloyd Egner as a vice-president. Egner has been manager of the radio recording division since its inception in 1934, having been manager of record and recording sales for RCA Manufacturing prior to that time. During the six years with the network, Egner's outstanding contributions have been the establishment of the Thesaurus Library and the introduction of the Orthacoustic system of recording.

Another announcement Friday was the election of Bertrum Culter, member of the board of directors of RCA, to the NBC board.

• • •

Program News: *Canadian Broadcasting Corp. will carry the World Series this Fall under an arrangement reached with Mutual over the weekend. . . . The Democratic National Committee will sponsor a talk by Speaker William B. Bankhead over 42 CBS stations tomorrow evening at 10:30. President Roosevelt will be heard over the networks when he addresses the convention of the Teamsters' Union, in an address which has been classified as "non-political"and therefore on free time. . . . Fort Worth stations are plugging the premiere of "The Westerner" on Thursday, Sept. 19. KGKO, WBPA and KFJZ are using station breaks and four newscasts are planned on the day of the premiere. . . . Bessie Beatty will succeed Mary Margaret McBride on the "Martha Deane" show over WOR beginning Sept. 23.*

• • •

Joseph Lang, WHOM general manager, has advised all employes of the station that those subject to conscription will find their jobs waiting for them upon return from military service.

• • •

WOV expects to have its new studios in the Heckscher Building completed by Jan. 1. Contracts for the construction work have been let. The dedication of the studios on that date will be a triple event, as the new 10,000-watt transmitter and the directional antenna system will be ready at the same time. There is a possibility, too, that WOV's FM station may make its debut on the same date.

Stations Ask F.C.C. To Increase Power

WASHINGTON, Sept. 8.—The Federal Communications Commission has announced the receipt of an application from Station WRDW, Augusta, Ga., for change of frequency from 1,500 to 1,450 kilocycles and increase of power from 250 watts to 500 watts night, 1,000 watts day.

The commission also received amended applications from Station KFYO, Lubbock, Tex., asking for an increase of power from 100 watts night, 250 watts day, to 5,000 watts, instead of 1,000 as originally requested, and from Grenco, Inc., seeking a new 1,420-kilocycle daytime station at Greenwood, S. C., asking for unlimited time and power of 250 watts instead of 100.

A change of frequency from 1,500 to 1,200 kilocycles has been granted Station KFDA, Amarillo, Tex.; a change of frequency from 1,190 to 900 kilocycles and increase of time from limited to unlimited was granted Station WSAZ, Huntington, W. Va., and an increase of power from 100 to 250 watts was granted Station WOLF, Syracuse, N. Y.

'Soundies' Premiere Set

HOLLYWOOD, Sept. 8.—The press here has received from Chicago invitations to attend the opening of "Mills Panoram Movie Machine and Soundies" at the Roosevelt Hotel here on Sept. 16. The invitations were signed by James Roosevelt of Globe Productions and Fred Mills of Mills Novelty Co.

Overprint Old Tickets

LONDON, Sept. 8.—Tickets rendered obsolete by the new entertainments tax scale may be used by British exhibitors if they are overprinted with the new rates, states the Customs and Excise Department. The tickets will show clearly the seat price and the amount of the new duty.

W. B. Circuit Phila. Meet Wednesday

PHILADELPHIA, Sept. 8.—The Stanley Warner Theatre Co. here will hold its annual managers' meeting at the Ritz-Carlton on Wednesday, with Ted Schlanger, zone head, presiding.

Among those expected to address the general meeting are Joseph Bernhard, general manager of Warner Theatres; Gradwell L. Sears, Warner general sales manager; Harry Goldberg, Warner Circuit advertising head; Leonard Schlesinger, assistant general manager of the circuit; S. Charles Einfeld, director of advertising and publicity for Warners; J. Ellis Shipman, contact manager; Everett C. Callow, Philadelphia ad-head, and Lester Krieger, Philadelphia booking chief.

Also on the dais will be district managers Skip Weshner, Steve Barutio, Al Plough, Louis Davidoff, Paul Castello, A. J. Vanni, Lawrence Graver, Jack Flynn and Jack Mulhall.

Rensselaer Renews Sunday Films Battle

RENSSELAER, N. Y., Sept. 8.—The long fight to legalize Sunday motion pictures in Rensselaer, the only city in New York State without this privilege, was renewed when the present Common Council passed a favorable ordinance 6-3, but lacked unanimous consent. A year ago, ordinances were passed but vetoed by the then mayor, the subject forming a substantial issue in the mayoralty campaign last Fall.

The matter will be the subject of a public hearing Sept. 18, when the Council is expected again to pass the ordinance allowing exhibitions from 2 P. M. to midnight Sundays.

Move Memphis Exchange

MEMPHIS, Sept. 8.—The local RKO exchange has been moved to new quarters at 152 Vance St. A. M. Avery is local manager.

Into the Archives

INCLUDED in a compilation of modern American humor sealed in a leather case and presented to R. D. W. Connor of the National Archives in Washington by the American Schools and College Association is a film script, "No Time for Comedy," Walt Disney drawings and several radio scripts. The packet will be added to the 3,000,000 feet of archives on the history of the American people.

Ban Rescinded to Give Town Station

WASHINGTON, Sept. 8.—Because taking up its license would deprive the community of its only local broadcasting station, the Federal Communications Commission has rescinded a prior order revoking the license of Station KAND, Corsicana, Tex.

Forfeiture of the station's license was ordered Feb. 7, last, on the ground of misrepresentation in applications as to financing, construction, control and operation.

The commission reversed itself on the ground that the station has operated according to law since 1937 and that to revoke its license "would deprive the community of the service of this station when there is no reason to believe that the respondents will not continue to operate it in the public interest."

Englishman Lauds Television in Color

Terming the CBS development of color television "astounding" and a "miracle," Gerald Cock, North American representative of British Broadcasting Corp. and director of English television until it was forced off the air by the war, declared over the weekend that "black and white television fades out of the picture in comparison with Dr. (Peter C.) Goldmark's color television."

Cock pointed to the greater clarity and depth of color images and said he would have to revise his original opinion that color television would not be a reality before 1945. However, he did not state when he thinks it will be practicable.

Continues Restraint On Scranton Pickets

SCRANTON, Sept. 8.—Judge William Leach has denied a petition of the local C.I.O. affiliated operators' union for discontinuance of a temporary injunction restraining its members from picketing Comerford-Publix theatres here.

The union, engaged in a jurisdictional fight with the A.F.L. affiliated union whose members are now employed in the theatres, petitioned for the discontinuance on the ground that the injunction is contrary to the labor relations laws.

Toler Renewed as Chan

HOLLYWOOD, Sept. 8.—Sidney Toler will continue in his Charlie Chan character for 20th Century-Fox under a new contract just signed.

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
[illegible]curate
[illegible]nd
[illegible]tial

VOL. 48. NO. 50 NEW YORK, U. S. A., TUESDAY, SEPTEMBER 10, 1940 TEN CENTS

U. S. to Seek Law Making Trade Shows Compulsory

Would Aim for Passage By Congress Before Decree Expires

By SAM SHAIN

So that the consent decree terms will embrace all the companies, it is the reported plan of the Dept. of Justice to sponsor supplemental legislation in Congress, after the court has approved the Big 5 pact with the Government, making the trade showing and selling provisions of the proposed decree compulsory for all. This was learned last night. By this supplemental legislation, the Department of Justice hopes to force Universal, Columbia and United Artists within the limits of the terms of the decree.

It is said that the Department of Justice hopes such legislation may be initiated and passed in Congress before the effective expiration date of the escape clause in the proposed decree, June 1, 1942. The decree itself becomes effective Sept. 1, 1941.

This escape clause provides

(*Continued on page 3*)

Delays Seen For Television Commercially

Fly Says New Color May Cause Setback

WASHINGTON, Sept. 9.—Recent developments in color television may delay the commercialization of the new medium, it was indicated today by FCC Chairman James L. Fly. While it is still too early to say whether color will have advanced so far as to make it desirable to withhold standards, Fly said, it will undoubtedly be considered seriously when the time comes to pass on commercial operation.

One factor, however, which may influence the commission to act as soon as satisfactory standards are provided, it was indicated, is the ability of an ordinary television set to receive the color pictures in black and white.

Fly pointed out that the great strides which have been made since the commission rescinded its order anticipating commercial operation definitely demonstrate the wisdom of the suspension. He said that if commercialization had been permitted, it might have frozen the industry.

Coast Flashes

HOLLYWOOD, Sept. 9.—Again taking the initiative to forestall any threatened C.I.O. invasion of Hollywood, the A. F. of L. through its Western director, Meyer Lewis, today appointed Aubrey Blair to organize an estimated 9,000 workers in the industry who do not now belong to the A. F. of L. The appointment followed conferences between Lewis and William Green, A. F. of L. president, in Denver last week. Blair, a former executive of Screen Actors Guild and more recently organizer for the American Guild of Variety Artists, said that the workers to be organized would be inducted into internationals wherever existing jurisdictions apply, or would be taken into special units to be chartered directly by A. F. of L.

•

Blake McVeigh, assistant publicity director for Warners for the past seven years, resigned today, effective in two weeks, to enter free lance publicity.

•

First exhibition contract for Charles Chaplin's "The Great Dictator" was approved by the producer today for the Capitol, Singapore.

'Boom Town' Soars To $40,000 in First Weekend at Capitol

"Boom Town" soared to more than an estimated $40,000 over the weekend after its Thursday opening at the Capitol. Playing at advanced prices of 10 cents added to the matinee and evening scales, the film played to a capacity house for the first four days of its first week.

"Lucky Partners," which opened with a stage show at the Music Hall last Thursday, was good for an estimated $57,000 on its first four days and will be held over. Another new film, "No Time for Comedy," with Larry Clinton's band on the stage,

(*Continued on page 3*)

AFRA Sets Strike Meet in Web Fight

A last minute attempt to avert a strike by the American Federation of Radio Artists against stations and networks for sustaining shows broke down yesterday when both sides declared they were "deadlocked." Meetings of various AFRA locals are set for Thursday and Friday of this week to ratify a strike call.

The present two-year agreement covering sustaining shows has been extended until Thursday. Commercially sponsored programs will not be

(*Continued on page 3*)

Final Decree Draft Preparation Begun

Department of Justice officials, meeting here yesterday, began preparation of the final consent decree draft with representatives of the Big 5. The conferees expect to submit this final draft to Federal Judge Henry W. Goddard early next month.

Thurman Arnold will not compromise with exhibitors and he will not agree to any changes in the proposed pact, Government spokesmen revealed yesterday—as was reported in *Motion Picture Daily* yesterday.

It is the view of the Department of Justice that exhibitors have no legal standing in the New York suit. and therefore can have no basis for intervening in the case.

Report Mastbaum To Reopen in Phila.

PHILADELPHIA, Sept. 9.—Although Ted Schlanger, Warner Theatres zone manager here, denied that the de luxe Mastbaum will reopen, or at least "not yet," there are strong indications that the house is being made ready for an early reopening after having been dark for more than five years.

It was learned that Warner officials inspected the house over the weekend, and among other things,

(*Continued on page 3*)

'U' Fourth Quarter Profit Is $253,196

Universal's net earnings for the final quarter of the current fiscal year, ending Oct. 27, are estimated at $253,196, giving the company the $2,025,000 net profit estimated by J. Cheever Cowdin, board chairman, last week.

The company's net earnings for the third quarter, ended July 27, amounted to $780,802, before Federal income taxes and special amortization reserve of $130,000. This compares with net profit, similarly computed, of $250,417 for the corresponding quarter last year, and a net loss of $184,964 for the third quarter of 1938.

Net earnings for the 39 weeks ended July 27 amounted to $2,161,804 before Federal taxes and special amortization reserve of $390,000, as compared with $989,995 for the corresponding period last year, and net loss of $773,247 for the corresponding period two years ago. After provision for the $10,000 weekly special reserve, the company's net for the first three quarters of the current fiscal year amounts to $1,771,804.

Kuykendall Meets Arnold Again Today Seeking Block-of-Five Provision Change

Washington, Sept. 9.—Edward Kuykendall, president of the M.P. T.O.A., will meet with Thurman Arnold again today in an effort to convince the U. S. Assistant Attorney General that the unit selling in blocks of five provisions of the proposed consent decree should be altered. The two men conferred for an hour yesterday, with neither offering any comment after the session.

Kuykendall's presence in Washington is taken by some observers to mean that the M.P.T.O.A. chieftain entertains some hope of getting Arnold to change his stand and make some compromise on behalf of the complaining independent exhibitors. Whether a meeting of the M.P.T.O.A. executive board will be called, depends upon the outcome of today's session between Arnold and Kuykendall.

Kuykendall pointed out that the five-film block continues the block booking privilege of the distributors while at the same time stripping the exhibitor of all cancellation privileges.

Nick, Weston Trial Opens in St. Louis

St. Louis, Sept. 9.—The trial of John P. Nick, ousted head of the operators' union, Local 143, and Clyde A. Weston, former business agent, on charges of racketeering and violation of the Sherman Anti-Trust Act began today in Federal court here.

Most of the afternoon session was consumed with selection of the jury. Government lawyers said it would require three or four days to present their case and defense counsel indicate the case will run 10 days.

The Nick-Weston case is the first prosecution in St. Louis under the Federal Anti-Racketeering Act, passed in 1934. The indictment, returned in June, was based on information obtained in an investigation of the domination of the operators union and of theatre owners by the defendants.

N. J. Allied Scores Higher Admissions

Allied Theatre Owners of New Jersey has addressed to all major company sales managers copies of a resolution opposing increases in admission prices on certain pictures considered outstanding.

The exhibitor unit, which is headed by George Gold, declares that past experience has indicated that it is injurious to "juggle" prices, that such a policy would indicate to patrons that other product is inferior, that low income patrons already have sufficient burden in the Federal admission tax, that subsequent run theatre goodwill may be damaged, and that "it takes away one of the few remaining rights of the exhibitor to run his own business.

MAINLINERS to Los Angeles
NO CHANGE OF SLEEPERS
The Continental Lv. 7 pm
The Overland Flyer Lv. 10:40pm
Luxurious thru coast-to-coast Mainliners — at United's high, smoother flight levels.
Travel agents, hotels, or
UNITED AIR LINES
67 Wall St. or 58 E. 42nd St.
MU-2-7300

Personal Mention

Maurice Silverstone, United Artists chief executive; Steven Pallos and Arthur Kelly will leave the Coast by train today for the home office.

•

William F. Rodgers, general sales manager, and John J. Maloney, district manager for M-G-M, arrived in Cincinnati yesterday for conferences wtih Edwin M. Booth, branch manager.

•

F. W. Huss, Jr., president of Associated Theatres, Inc., Cincinnati, and vice-president of the I.T.O. of Ohio, has returned from a vacation in Canada.

•

Tracy Barham, general manager of Northio Theatres, Inc., Cincinnati, is here for Paramount home office conferences.

•

Fred Schwartz, Sidney Buchman, Erwin Gelsey, William Melniker, Arthur Loew, Mort Spring, Dave Blum, Earle Hammons, Otto Preminger, Ben Boyar, Marcus Heiman, Clayton Bond, Charles Sonin, Noel Madison, Rowland Leigh, Guy Bolton and John Golden lunching at Sardi's yesterday.

•

Paul Raibourne, Barney Balaban, Herman Robbins, Toby Gruen, Charles E. McCarthy, Joseph Seider, Ed Saunders, Owen Davis and Erno Rapee at Nick's Hunting Room in the Astor for lunch yesterday.

•

Joseph Moskowitz, Martha Raye, Harry Ritz, Arthur Gottlieb, Jack Cohn and Joseph Pincus at Lindy's (51st St.) yesterday for lunch.

•

Jeffrey Bernerd, Maurice Bergman, Harry Engel, Harry Thomas, Larry Lipscomb, Jack Mills, Harry Kosiner and Sam Citron lunching at the Tavern yesterday.

•

Jules Levey, James Levey, Arthur Lee, Sam Shain, Sam Adelman, Mr. and Mrs. Charles L. O'Reilly and Sam Spring lunching at Toots Shor's yesterday.

Roy Norr, assistant to Will H. Hays, returned yesterday from a four-week business trip to Hollywood.

•

Susan Silverstone, daughter of Maurice Silverstone, will observe her second birthday today.

•

John Cranston of the Stanley, Camden, N. J., married Jane Anderson at Elkton, Md., last week.

•

William H. Parsons, Strand, Swoyerville, Pa., has announced his engagement to Janet Evans.

•

Barney Cohen, manager of the Wissahicken, Philadelphia, is in Mt. Sinai Hospital, Philadelphia.

•

Abe Hodes, student booker at the M-G-M New Haven exchange, is engaged to Dorothy J. Wyman of the home office.

•

R. G. Spencer, owner of the Strand, St. John, N. B., and R. G. March, manager there for 20th Century-Fox, are on a local fund raising committee sponsored by the Y.M.C.A.

•

Al Morrison, organist at the Capitol, St. John, N. B., has joined the Canadian army as a lieutenant.

•

Eddie Cantor is due today from California on the *Manhattan*.

•

Emil Montemurro, Movietone News representative in Chicago, and Mrs. Montemurro last week became the parents of a boy, their fourth child.

•

Clarence M. Robson has returned to his duties as Eastern division manager for Famous Players Canadian, following an illness of more than a year.

•

Labe Nidorf, student manager at Warner houses in Philadelphia, has been named assistant manager at the Earle.

•

Robert King, assistant cameraman at the Columbia studios, has left for Hollywood by car with his wife.

Wyler Sees Selling Value In Exploitation of Talent

By SHERWIN A. KANE

There is a definite market among motion picture audiences which can be drawn to the theatre through exploitation of creative talent, William Wyler, director, who is here from Hollywood for a business visit, said yesterday.

Wyler advocated complete exploitation campaigns for directors, writers and other creative film workers whose records of accomplishment justify such campaigns. He believes that the result would be the creation of larger audiences for individual pictures from such creative workers than would be obtained normally by star, title or producer drawing power.

He pointed out that his theory is proved in the rare instances where this has been done, such as in the case of Alfred Hitchcock, and also cited pictures which might have had better box-office records had the creative factors been better exploited or exploited at all.

Wyler is here for about a week to confer with Lillian Hellman on the screen treatment for "The Little Foxes," which he will direct for Samuel Goldwyn. Goldwyn borrowed Bette Davis from Warners yesterday for the leading role in the picture, which Wyler will put into work next February. He has just finished "The Letter" for Warners and expects to start soon on "Sergeant Yorke," with Gary Cooper, for the same studio.

39 New Films In Work as 11 Are Finished

Hollywood, Sept. 9.—Thirty-nine pictures were before the cameras this week, as 11 finished and nine started. Twenty-seven were being prepared, 7 being edited.

The tally by studios:

Columbia

In work: "Alias the Lone Wolf," "Passage West."

M-G-M

In work: "Bittersweet," "Go West," "Flight Command," "Little Nellie Kelly," "Hullabaloo," "Comrade X."

Started: Untitled Dr. Kildare story.

Monogram

Finished: "Drums of the Desert," "Six Shooting Serenade."

Started: "The Ole Swimmin' Hole."

Paramount

Finished: "Second Chorus."

In work: "Virginia," "Love Thy Neighbor," "D. O. A.," "The Round Up," "I Wanted Wings."

RKO

Finished: "Little Men."

In work: "Citizen Kane," "You'll Find Out," "No, No, Nanette," "Li'l Abner," "Kitty Foyle."

Started: "Mr. and Mrs. Smith," "Remedy for Riches."

Republic

Finished: "Hit Parade of 1941."

Started: "Friendly Neighbors," "Who Killed Aunt Maggie?"

Loew-Lewin

In work: "Flotsam."

20th Century-Fox

In work: "The Californian," "Chad Hanna," "Hudson's Bay," "Tin Pan Alley."

Universal

Finished: "The Green Hornet Strikes Again," "Fireman, Save My Child," "Give Us Wings," "Boss of Bullion City," "Flying News."

In work: "Seven Sinners," "Caribbean Holiday."

Started: "Streets of Cairo," "Bury Me Not on the Lone Prairie."

Warners

In work: "Santa Fe Trail," "High Sierra," "Father Knows Best," "The Lady with Red Hair," "Meet John Doe."

Started: "South of Suez."

Producers Releasing Corp.

Finished: "Billy the Kid and the Law."

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c

U. S. to Seek Trade Shows By Legislation

(Continued from page 1)

that the Big 5 may elect not to operate under the selling provisions of the decree if by June 1, 1942, Universal, Columbia and United Artists are not within the decree rules.

Should the Department of Justice, or others, succeed in persuading Universal, Columbia and United Artists to join in the pact with the Big 5, before the latter can exercise their "escape," such legislation, it is stated, will not be necessary.

This proposed legislation is being considered as a defense measure for the Big 5 under the decree, as well as protection for the Government to make possible the fullest realization of the purposes of the suit.

In the meantime, Department of Justice officials and the Big 5 yesterday went ahead with preparations for the final consent decree draft.

It was revealed, at the same time, that the Government does not believe the exhibitors have any legal standing in the matter whatever; that they have no basis for seeking to intervene in the suit, for appearing as "friends of the court" or for seeking an injunction to halt the adoption of the decree. Acting on this legal analysis of the exhibitors' position in the case, the Government representatives inferred that the exhibitors could obtain a court hearing only at the Government's invitation to them to appear and then only with the court's permission.

The Government spokesmen asserted that Arnold believes the Government has made "the best agreement that it is possible to make."

Answer Exhibitors

Answering the exhibitors' principal complaints, those against the block-of-five sales and the trade showing provisions, the Government representatives said that under the decree the exhibitor does not have to buy all five pictures offered in a block; he cannot buy more but he may buy fewer, and that, therefore, the exhibitors' insistence upon a cancellation right is not well founded. They asserted, also, that no exhibitor is compelled to attend the proposed trade showings. If it is impractical or inconvenient for him to do so, he is at liberty to ignore the trade showings and rely on trade paper reviews or other media of information on product, according to the Government representatives.

The Government believes that the proposed decree gains more for the exhibitor in the way of trade practices than was contemplated in the complaint filed when the anti-trust suit was begun. For this reason, it was said, the Government is preparing an amended complaint to embrace all that is covered by the decree and to eliminate, thereby, any conflict in the contents of the two documents. This amended complaint may also include the new charges against Columbia, United Artists and Universal, against whom the Government plans to proceed with trial, or, if this proves unwieldy, a new, separate complaint against those companies will be filed.

A Government spokesman pointed out that the escape clause of the consent decree places the burden of proving block booking and blind buying illegal on the Government, since this is what it will have to prove against the so-called "Little Three" within nine months after the decree becomes effective, or the block-of-five and trade showing provisions of the decree will become null and void.

Newspaper Attacks Chicago's 'Hall' Ban

Chicago, Sept. 9—The Chicago *Daily News* today carries a front page story concerning the local censor ban on the Roosevelt-United Artists' film, "Pastor Hall," on the ground that it would "wield an undesirable influence and is of an exceedingly controversial nature."

The *News* points out that "Blitzkrieg in Poland," described as effective pro-Nazi propaganda, "wielded no undesirable influence" on the police censors and was permitted to be shown without difficulty.

Settle Philadelphia Action by Milgrim

PHILADELPHIA, Sept. 9. — The $110,000 anti-trust suit of David Milgrim, head of Affiliated Theatres, independent circuit, against Warners Theatres and the major distributors will be settled out of court this week.

Morris Wolf, attorney for Warners, today confirmed the report that the basis for a settlement had been reached, and all that remains is "reducing to terms what we have discussed." Maurice Stern represents Milgrim. The suit, filed last March and scheduled for Federal Court hearings during the Sept. 30 week, involved the zoning of Warners' Bromley and Grange and Milgrim's Walton and Rialto.

It is reported the settlement terms call for Milgrim's houses getting product only one day after the Warner houses, and in addition for an affiliated suburban house now getting half of 20th Century-Fox product to get all of that company's product.

Answers Are Filed In Crescent Action

NASHVILLE, Sept. 9.—The Crescent Amusement Co. and major producing and distributing companies, defendants in the Government's anti-trust suit here, have filed answers denying allegations of monopolistic practices and asking the Federal court to dismiss the Government's action.

The Crescent companies deny the Government's allegations of "control" of eight theatre companies in which they assert they have only a 50 per cent or less interest. No date for trial of the suit has been set yet.

Rites for Mrs. Frank

PHILADELPHIA, Sept. 9.—Funeral services were held today here for Mrs. Blanche Frank, 39, wife of Samuel Frank, circuit owner.

Balaban, Freeman To Meeting in K. C.

Barney Balaban, Paramount president, and Y. Frank Freeman, vice-president and studio head, will attend the company's district and division sales managers meeting at the Muelbach Hotel, Kansas City, tomorrow and Thursday.

The meeting, which will be presided over by Neil F. Agnew, vice-president and general sales manager, is scheduled to determine the sales and exhibition policy for Cecil B. DeMille's "Northwest Mounted Police," and to view recently completed product.

Balaban leaves New York by plane today for Kansas City and Freeman will arrive there tonight. Others already en route to the meeting include: Cliff Lewis, Rufus Blair and William Pine, from the studio; Adolph Zukor, Robert Gillham and G. B. J. Frawley from the home office, and the various district managers and field exploiteers whose names were published earlier.

Agnew, J. J. Unger, M. S. Kusell and Alec Moss will leave New York by plane this morning for the meeting.

'Howards' Party Set At Music Hall Today

Martha Scott, Frank Lloyd and Sidney Buchman, star, director and writer, respectively, of "The Howards of Virginia," Columbia film, will be guests at a cocktail party at the Radio City Music Hall this afternoon.

Among those invited to attend are: Mrs. Ogden Reid, Martin Quigley, Jack Alicoate, Jack Cohn, Abe Montague, Nate Spingold, Abe Schneider, Joseph McConville, Maurice Bergman, Jack Skirball, Joseph Skirball, Gus Eyssell, Colvin Brown, Terry Ramsaye, Sam Shain, Sherwin A. Kane, Kelcey Allen, Maurice Kann, George Morris, Roy Chartier, and the New York daily paper critics, including Bosley Crowther, Howard Barnes, Cecilia Ager, Tom Pryor and others.

Report Mastbaum To Reopen in Phila.

(Continued from page 1)

ordered the orchestra pit made level with the stage, repainting of the marquee, installation of a new roof and removal of the Roxy-Mastbaum sign. The house was last operated by the late S. L. Rothafel.

It is reported that the 4,500-seat house will play stage shows instead of the Earle, although musicians union officials say it is their understanding that their recent settlement with Warners covers only the Earle.

ABP Profit in Year Put at $4,827,424

LONDON, Sept. 9.—Associated British Pictures has reported profit for the year ended March 31, last, of £1,206,856 ($4,827,424). The profit is a decrease of $560,576 from the previous year.

The board of directors has recommended no common dividend be paid, on the ground that the possibility of enemy action interrupting activities makes it necessary that finances be conserved.

London Houses Shut

London, Sept. 9.—A number of theatres in central and suburban London — including the Palladium and Holborn Empire—today officially announced that they would remain closed until further notice "due to the danger of air raids."

AFRA Sets Strike Meet in Web Fight

(Continued from page 1)

affected because the agreement covering such shows does not expire until Feb. 12. The union seeks a new contract covering sustainers on NBC, CBS and local stations in New York, Chicago, Los Angeles and San Francisco.

The union is demanding payment for rehearsal time and increases of pay for broadcast time which are between 30 and 50 per cent below that paid for commercial programs, according to the union. The present rate in New York and networks for actors on sustainers is $17 for a 15-minute period with the first two hours of rehearsal time free. Both sides have agreed upon a reduction to $12 but the union asks $6 per hour for the first hour of rehearsal and $3 thereafter while the broadcasters offered $3 for the first hour and $2 thereafter. There are similar differences on soloists and choruses. On longer periods, AFRA seeks higher rates for broadcast time than the networks are willing to pay. Discrepancies in other cities vary but the basic difference is on the rate of pay for rehearsals.

'Boom Town' Soars to $40,000 in Weekend

(Continued from page 1)

grossed an estimated $28,000 for its first three days at the Strand and also will be held.

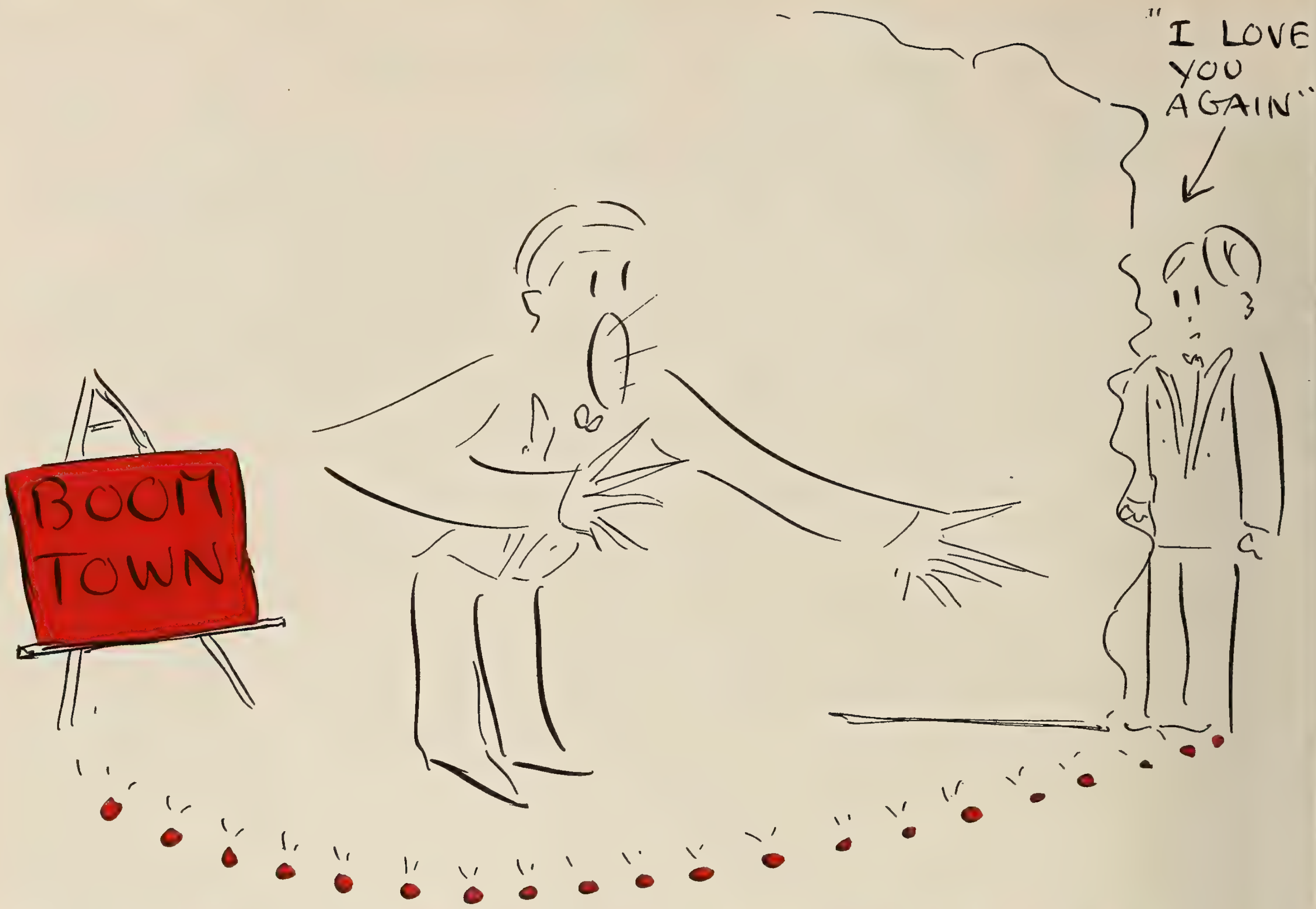
In its second week, which ends tonight, "Foreign Correspondent" should bring an estimated $35,000 at the Rivoli. It will continue for a third week. Another holdover, "He Stayed for Breakfast" with a stage show, drew an estimated $18,250 at the Roxy, and will be followed Friday by "Hired Wife." At the Paramount, "Rhythm on the River" with Will Bradley's orchestra, Ken Murray and Tito Guizar on the stage, grossed an estimated $17,000 over the weekend and should bring an estimated $40,000 for its second week ending tonight. It will be held for a third week.

"Flowing Gold" drew an estimated $11,000 in its first week at the Globe and was held over. "Stranger on the Third Floor" grossed an estimated $6,500 at the Rialto.

Gold Returns from Coast Conference

Harry Gold, vice-president and Eastern general sales manager for United Artists, returned to the home office yesterday after conferences at the studio with company executives.

L. J. Schlaifer, vice-president and Western general sales manager for U. A., stopped off in Chicago on his way here from the Coast conferences.



THE STORY OF THE GREAT SINGERS!

A movie fable

Once upon a time there was a famous singer called "Boom Town." He was the big noise of his era. He sang good and loud.

It just so happened that at the same time there was another singer called "I Love You Again." This guy sang good and loud too—and funny!

(continued)

If it hadn't been that "Boom Town" was always in the limelight you can bet that "I Love You Again" would have been the undisputed champion loud-singer of his day.

But when a guy's good he gets recognition. In between booms of this chap "Boom Town" the nation's showmen got an earful of what "I Love You Again" could do.

They said: "Hey, this guy's got a terrific bellow, too. He's a Star in his own right!" So they let "I Love You Again" do his stuff and it was good stuff and now he's booming in the headlines just like his famous contemporary.

MORAL: M-G-M's got two smashing box-office hits at the same time, so go and make yourself a pot full of money!

I LOVE YOU AGAIN

Held over in 33 out of the first 59 key situations!

"MY WIFE GOT IN MY HAIR"

. . . Writes Timothy Toupe

"I had decided it was time for Ermintrude and me to call it quits before the fighting got serious...when a friend took the two of us to see Paramount's 'I Want a Divorce.' Now Ermintrude and I are enjoying our second honeymoon. What a picture!"

JOAN
BLONDELL
DICK
POWELL
in Paramount's
"I WANT A DIVORCE"

Paramount's Uproarious Comedy Romance of Young Married Life

Paramount Pictures

Directed by RALPH MURPHY • Screen Play by Frank Butler • Based on a Story by Adela Rogers St. Johns

Critics' Quotes . . .

"RHYTHM ON THE RIVER" (Paramount)

A gay, tuneful and thoroughly entertaining picture, smartly acted and filled with melodies that ought to appeal to the public ear for a long time.—*Boston Globe.*

Bing Crosby's new one is one of the most tuneful pictures he's made . . . an hour and a half of highly agreeable entertainment.—*Helen Eager, Boston Traveler.*

"PASTOR HALL" (Roosevelt-U.A.)

Eloquent in its espousal of freedom and justice. . . . No punches are pulled . . . superbly directed by Roy Boulting, and entirely convincing except for the decidedly English dialect of the entire cast.—*Dorothy Guinan, Philadelphia Daily News.*

Propaganda or entertainment? There will be the usual arguments about "Pastor Hall." . . . Its cinematic flaws are so outweighed by the intensity of its message and the excellent portrayal of the pastor by Wilfred Lawson (Eliza's father in "Pygmalion"), they should go unnoticed.—*Laura Lee, Philadelphia Bulletin.*

The most devastating picture of life in modern Germany yet to reach the screen . . . has the active indorsement of America's most influential family. It adds up as a disconcerting photoplay, but it has a ring of truth.—*Henry T. Murdock, Philadelphia Ledger.*

Proves how potent the screen medium can be when a message is delivered in a well made, intelligent production . . . says something that must be heard, it's a film for the list of all who believe in the freedom of man as well as all who enjoy an impelling screen drama.—*Elsie Finn, Philadelphia Record.*

The most violent and ghastly anti-Nazi film that has yet been shown in this country . . . frank propaganda and highly colored melodrama.—*Philadelphia Inquirer.*

"HE STAYED FOR BREAKFAST" (Columbia)

One of the best comedies of the season. . . . It has a beautiful young wife, a fat and fatuous husband, an honorable suitor and a lover who is hidden in closets. But it has much more than that.—*Boston American.*

He (Melvyn Douglas) has neither a good movie script nor a Lubitsch to make the story of his regeneration into bright, amusing comedy.—*Elsie Finn, Philadelphia Record.*

Carries only spasmodic humor . . . while it has many diverting and laughable scenes it lacks, in its entirety, the punch that would normally accrue to the efforts of such smooth players.—*Dorothy Guinan, Philadelphia Daily News.*

Lively and saucy and when it philosophizes it tackles a subject that is presently popular. . . . The lines are swift.—*Henry T. Murdock, Philadelphia Ledger.*

Makes for merriment, but not as much as Columbia had hoped, with laughs paced too far apart.—*Laura Lee, Philadelphia Bulletin.*

Gay and giddy farce which kids Communism. . . . Alexander Hall's direction hasn't quite the thistledown lightness the material requires but Werner Heymann's cleverly ironic score is utterly smart and delightful.—*Mildred Martin, Philadelphia Inquirer.*

Hasn't the sustained hilarity of "Ninotchka" but it does very well in brightening up a gloomy period. . . . Alexander Hall has directed the picture with some novel, deft touches. And the musical score is a gem of ingenuity.—*Helen Eager, Boston Traveler.*

A field day in obtaining laughs from the audience . . . the picture is sophisticated in text, dialogue and situation, but the action is so fast one scarcely has time to be shocked.—*Boston Globe.*

"FLOWING GOLD" (Warners)

More than makes good in an exciting fashion . . . stacks up well as one of the more exciting productions of the season.—*Los Angeles Herald Express.*

An interesting story . . . the plot-thickening ingredients give the picture a machine-made character, and moreover there is an overstress on rough-and-tumble fighting, doubtless in the name of action.—*Los Angeles Times.*

"WHEN THE DALTONS RODE" (Universal)

A good, honest Western; with a larger than average budget, profitably disbursed; a better than average cast, with only scattered tendencies to show that they know what all this "artistic understatement" is all about; and no more than a once-over-lightly on the psychological motives that turned the nice Dalton farm boys into desperadoes.—*Cecelia Ager, PM (New York).*

Containing enough shooting sequences to equip half a dozen Westerners, the film offers every proven ingredient of the standard horse opera.—*Rose Pelswick, New York Journal American.*

The best points of the picture are its fast pace and good casting. The acting honors go to Crawford and Donlevy.—*Archer Winsten, New York Post.*

One of the fastest-paced action thrillers ever to come out of Hollywood. It is a picture that will make you grip the arms of your chair during every minute of it.—*Lee Mortimer, New York Daily Mirror.*

Checking Ventilation

MEXICO CITY, Sept. 9.—The Public Health Department is making a closer check of the ventilation in theatres and other public amusement places. The Health Department is using special apparatus obtained in the United States.

Mohawk Closes Deal

Mohawk Film Corp, has closed a deal with Amerigo Benefico to distribute all the former product of Grand National. Atlantic Pictures and Educational throughout the world with the exception of the United States and Canada.

'Love You' at Big $33,100 Los Angeles

LOS ANGELES, Sept. 9.—"I Love You Again" and "Pier 13" drew a total of $33,100 at two houses, $15,500 at the Chinese and $17,600 at Loew's State. "Pride and Prejudice" took $6,500 in the third week at the 4 Star.

Estimated takings for the week ending Sept. 4:

"I Love You Again" (M-G-M)
"Pier 13" (20th-Fox)
CHINESE—(2,500) (44c-55c-75c-85c) 7 days. Gross: $15,500. (Average, $12,500)

"Pride and Prejudice" (M-G-M)
4 STAR—(900) (44c-55c) 7 days, 3rd week. Gross: $6,500. (Average, $3,250)

"The Boys From Syracuse" (Univ.)
"You're Not So Tough" (Univ.)
HILLSTREET—(2,700) (33c-44c-55c-75c) 7 days, 2nd week. Gross: $6,600. (Average, $6,500)

"I Love You Again" (M-G-M)
"Pier 13" (20th Fox)
LOEW'S STATE—(2,500) (44c-55c-75c-85c) 7 days. Gross: $17,600. (Average, $14,000)

"The Boys From Syracuse" (Univ.)
"You're Not So Tough" (Univ.)
PANTAGES—(3,000) (33c-44c-55c-75c) 7 days, 2nd week. Gross: $6,500. (Average, $7,000)

"Rhythm on the River" (Para.)
PARAMOUNT—(3,595) (33c-44c-55c-75c) 7 days, 2nd week. Stage: F. & M. revue, Count Basie and his orchestra. Gross: $14,500. (Average, $18,000)

"The Sea Hawk" (W. B.)
WARNER BROS. (Hollywood) — (3,000) (33c-44c-55c-75c) 7 days, 2nd week. Gross: $10,000. (Average, $14,000)

"The Sea Hawk" (W. B.)
WARNER BROS. (Downtown) — (3,400) (33c-44c-55c-75c) 7 days, 2nd week. Gross: $11,100. (Average, $12,000)

'Town' at $14,000 Leads New Haven

NEW HAVEN, Sept. 9.—"Boom Town," at the Loew-Poli at advanced prices, took $14,000. "The Sea Hawk" and "Calling All Husbands," also playing at advanced prices at the Roger Sherman, grossed $8,200. The weather was fair and warm.

Estimated takings for the week ending Sept. 5:

"He Stayed for Breakfast" (Col.)
"The Golden Fleecing" (M-G-M)
COLLEGE—(1,499) (39c-55c) 7 days, 2nd week. Gross: $2,300. (Average, $2,700)

"Boom Town" (M-G-M)
"The Lady in Question" (Col.)
LOEW-POLI—(3,040) (49c-65c) 7 days. Gross: $14,000. (Average, $8,000)

"Rhythm on the River" (Para.)
"Queen of the Mob" (Para.)
PARAMOUNT—(2,348) (39c-55c) 7 days. Gross: $6,000. (Average, $4,000)

"The Sea Hawk" (W. B.)
"Calling All Husbands" (W. B.)
ROGER SHERMAN—(2,200) (44c-60c) 7 days. Gross: $8,200. (Average, $5,000)

Paralysis Wave Hits Grosses in 3 States

Infantile paralysis epidemics in Kansas and parts of Michigan and Wisconsin have hurt box-office receipts considerably. Dr. J. W. Boren, Health Commissioner of Marinette, Wis., has delayed the opening of schools and prohibited all under 16 from attending theatres and other public places for an indefiinte period.

More than 200 cases have been reported from various parts of Kansas. The state health authorities have recommended to county health officers that the opening of schools be delayed. At numerous places, children under 15 are forbidden at public places, including theatres, and exhibitors report generally that the box-office has suffered.

'Kit Carson' Does $7,500, Seattle High

SEATTLE, Sept. 9.—"Kit Carson" drew a strong $7,500 at the Orpheum. "They Drive by Night" at the Palomar took $9,000 in a better-than-average week here, with the Labor Day holiday aiding. "Rhythm on the River" at the Paramount did $8,100.

Estimated takings for the week ending Sept. 6:

"Coming 'Round the Mountain" (Para.)
"Tom Brown's School Days" (RKO)
BLUE MOUSE—(950) (30c-40c-50c) 7 days, 2nd week. Gross: $3,200. (Average, $4,000)

"Lucky Partners" (RKO)
FIFTH AVENUE—(2,500) (30c-40c-50c-65c) 7 days, 2nd week. Gross: $6,600. (Average, $7,000)

"He Stayed for Breakfast" (Col.)
LIBERTY—(1,800) (30c-40c-50c-65c) 7 days. Gross: $5,300. (Average, $5,000)

"I Love You Again" (M-G-M)
MUSIC BOX—(950) (30c-40c-50c-65c) 7 days, 4th week. Gross: $3,000. (Average, $4,000)

"Kit Carson" (U. A.)
"The Girl from Avenue A" (20th-Fox)
ORPHEUM—(2,450) (30c-40c-50c) 7 days. Gross: $7,500. (Average, $6,000)

"They Drive by Night" (W. B.)
PALOMAR—(1,500) (30c-40c-50c-65c) 7 days. Vaudeville on stage. Gross: $9,000. (Average, $5,000)

"Rhythm on the River" (Para.)
"Charlie Chan at the Wax Museum" (20th-Fox)
PARAMOUNT—(3,050) (30c-40c-50c) 7 days. Gross: $8,100. (Average, $6,000)

'Love You' Scores $9,200, Cincinnati

CINCINNATI, Sept. 9.—"I Love You Again" had a big $9,400 second week at the new RKO Grand. "Boom Town" continued strong with $7,800 in its fourth week at the RKO Capitol. "The Sea Hawk" pulled $14,500 at the RKO Albee.

Estimated takings for the week ending Sept. 4-7:

"The Sea Hawk" (W. B.)
RKO ALBEE—(3,300) (33c-40c-50c) 7 days. Gross: $14,500. (Average, $12,400)

"Lucky Partners" (RKO)
RKO PALACE—(2,700) (33c-40c-50c) 7 days. Gross: $9,400. (Average, $10,000)

"He Stayed For Breakfast" (Col.)
RKO SHUBERT—(2,150) (33c-40c-50c) 7 days, 2nd week. Gross: $3,300. (Average, $6,500)

"Boom Town" (M-G-M)
RKO CAPITOL—(2,000) (42c-60c) 7 days, 4th week. Gross: $7,800. (Average, at 33c-40c-50c, $6,500)

"I Love You Again" (M-G-M)
RKO GRAND—(1,500) (33c-40c-50c) 7 days, 2nd week. Gross: $9,200. (Average, not established)

"The Return of Frank James" (20th-Fox)
RKO LYRIC—(1,400) (28c-33c-42c) 7 days, 2nd week. Gross: $4,100. (Average, $5,000)

"Suicide Legion" (Film Alliance)
"Son of Roaring Dan" (Univ.)
RKO FAMILY—(1,000) (15c-28c) 4 days. Gross: $1,300. (Average, $1,500)

"Stage to Chino" (RKO)
"You Can't Fool Your Wife" (RKO)
RKO FAMILY—(1,000) (15c-28c) 3 days. Gross: $700. (Average, $900)

"The Great McGinty" (Para.)
KEITH'S—(1,500) (33c-40c-50c) 7 days. Gross: $6,900. (Average, $6,000)

Mirror Takes Guide

Loew's yesterday brought the number of papers carrying the "Movie Guide" to seven when it added the New York *Daily Mirror* to the list. The "Guide" now has a daily circulation of 4,600,000 and 7,500,000 Sundays.

Hollywood Reviews

"Rangers of Fortune"

(Paramount)

HOLLYWOOD, Sept. 9.—Super-western is the word for this adventure tale produced on a larger scale and with bigger names, yet in the narrative format, embellished extensively but retaining the essential values, of those westerns in which a heroic trio arrives upon a scene where injustice prevails, puts things to rights, then leaves to continue their works elsewhere. But don't let the format mislead you into under-rating the attraction. It offers, as the adventuring trio, Fred MacMurray, Gilbert Roland and Albert Dekker, the latter in an outstanding performance, plus Joseph Schildkraut, Dick Foran and Patricia Morrison, on the adult side, and Betty Brewer, child actress new to films and distinctly a find, in whom is centered the sympathetic interest.

The scene into which the adventurers find themselves drawn is a border town where murders and violences of mysterious origin have been terrorizing the populace. They are interested primarily in defending the child, whose grandfather, a newspapering pioneer, has been assaulted and driven out. They reinstate his publication and force its acceptance, but death continues to strike, violence to rage, until they discover, in an episode involving murder of the child, that the culprit is the impoverished and embittered original owner of the lands on which the town has grown up. They achieve his elimination in a sequence as full of fight and gunfire as the hardiest western fan might require.

Performances of those named and others are of high quality, as is the direction of Sam Wood, the original screenplay by Frank Butler and, in all particulars, the production by Dale Van Every. Preview audience reaction was of a sort to suggest a brilliant box-office performance for the attraction.

Running time time, 90 minutes. "G."* ROSCOE WILLIAMS

"Wyoming"

(M-G-M)

HOLLYWOOD, Sept. 9.—Staged against an eyefilling background made most effective by application of the M-G-M sepia-tinting process, this Wallace Beery western ranks high among the outdoor pictures of a period somewhat given over to them. It is as full of shooting, plotting, chase and escape as any devotee of westerns would have it, including, far down toward the end and after enough story to satisfy most audiences has been put by, an attack by Indians on a prairie homestead and the nick-of-time arrival of General Custer and the Seventh Cavalry. It is, however, unlike many westerns in general, full of a good many other things in addition.

Chief point of difference between this and other films in its subject bracket is the presence of Beery in fine fettle as the desperado with a heart of gold against his will, the chronic brigand tempted to swing his shooting-irons in behalf of justice and irked by the circumstances, but no less effective in it. He accomplishes, in the course of the picture, a great deal of execution, "not countin' Injuns," and winds up in such good graces of the community that General Custer, duty-bound to arrest him, rides off to his engagement with Sitting Bull without making him prisoner.

Marjorie Main, portraying a lady blacksmith enamored of Beery, is the most memorable member of a cast including Leo Carillo, Joseph Calleia, Paul Kelly, Ann Rutherford, Lee Bowman, Bobs Watson and Henry Travers. Direction by Richard Thorpe and screenplay by Jack Jevne and Hugo Butler employ humorous incident advantageously throughout. It is a Milton Bren production.

Running time, 85 minutes. "G."* ROSCOE WILLIAMS

"Three Men from Texas"

(Sherman-Paramount)

HOLLYWOOD, Sept. 9.—"Three Men from Texas" is the 31st Hopalong Cassidy western to be produced by Harry Sherman and it is by far the best of the series, which stars William Boyd. It has more action, acting, comedy and pictorial beauty than any of its predecessors, and it emerges as one of the best all-around westerns of the year.

The film is also marked by the debut in the series of Andy Clyde, as comedian, who is one of the attractions of the film. Boyd, his cinematic partner Russell Hayden, and Clyde journey from Texas to California to clean up a band of outlaws who are robbing the holders of Spanish land grants of their property. Uncovering the leader, the trio rounds up the victims and stages a fierce fight to overcome the gang.

Included among the support of the trio are Morris Ankrum, Thornton Edwards, Esther Estrella, Morgan Wallace.

Lesley Selander, veteran of the Cassidy series, directed the production, with Norton S. Parker, prolific writer of westerns, turning out an original screenplay based on the Clarence E. Mulford characters.

Running time, 72 minutes. "G."* VANCE KING

**"G" denotes general classification.*

'Sea Hawk' Is Frisco Lead With $24,500

SAN FRANCISCO, Sept. 9.—Cooler weather over the Labor Day weekend. "The Sea Hawk" zoomed to $24,500 for an outstanding week at the Fox, with "Boom Town" grossing an excellent $16,500.

Estimated takings for the week ending Sept. 3-6:

"Dance, Girl, Dance" (RKO)
GOLDEN GATE—(2,850) (40c-50c-55c) 7 days. Stage: vaudeville. Gross: $13,500. (Average, $15,000)

"He Stayed for Breakfast" (Col.)
"The Secret Seven" (Col.)
ORPHEUM—(2,440) (15c-35c-40c-50c) 7 days, 2nd week. Gross: $9.500. (Average, $8,000)

"The Sea Hawk" (W. B.)
FOX—(5,000) (15c-35c-40c-50c) 7 days. Gross: $24,500. (Average, $15,000)

"Rhythm on the River" (Para.)
"Girl From God's Country" (Rep.)
PARAMOUNT—(2,740) (15c-35c-40c-50c) 7 days. Gross: $11,000. (Average, $11,500)

"South of Pago Pago" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c). Gross: $8,000. (Average, $8,000)

"I Love You Again" (M-G-M)
"Mystery Sea Raider" (Para.)
ST. FRANCIS—(1,400) (15c-35c-40c-50c), 7 days, 4th week. Gross: $5,200. (Average, $6,000)

"Boom Town" (M-G-M)
WARFIELD—(2,680) (15c-35c-40c-50c) 7 days. Gross: $16,500. (Average, $12,000)

"The Baker's Wife" (Foreign)
CLAY—(400) (15c-39c-44c-55c) (7 days, 11th week. Gross: $1,200. (Average, $1,000)

'Town' and 'Hawk' Are Baltimore Hits

BALTMORE, Sept. 9.—Heavy business featured the holiday weekend. "Boom Town" drew $24,000 at the Century and "The Sea Hawk" took $23,000, both powerful at higher admissions.

Estimated takings for the week ending Sept. 5:

"Boom Town" (M-G-M)
CENTURY—(3,000) (29c-39c-60c) 7 days. Gross: $24,000. (Average, $10,000)

"Rhythm on the River" (Para.)
KEITH'S—(2,406) (15c-28c-33c-44c) 7 days. Gross: $9,000. (Average, $8,000)

"Lucky Partners" (RKO)
HIPPODROME—(2,205) (15c-28c-39c-44c-55c-66c) 7 days with stage show. Henry Armetta in person. Gross: $19,000. (Average, $14,000)

"Young People" (20th-Fox)
NEW—(1,581) (15c-28c-35c-55c) 7 days. Gross: $7,000. (Average, $7,000)

"The Sea Hawk" (W. B.)
STANLEY—(3,280) (29c-39c-60c) 7 days. Gross: $23,000. (Average, $12,000)

'Rhythm' Garners $7,600 for Omaha

OMAHA, Sept. 9.—"Rhythm on the River" and "Those Were the Days" drew $7,600 at the Omaha.

Estimated takings for the week ending Sept. 4-5:

"Lucky Partners" (RKO)
"Military Academy" (Col.)
BRANDEIS—(1,200) (30c-40c-44c) 7 days. Gross: $4,800. (Average, $4,000)

"Rhythm on the River" (Para.)
"Those Were the Days" (Para.)
OMAHA—(2,000) (30c-44c) 7 days. Gross: $7,600. (Average, $6,000)

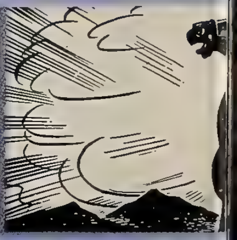
"Comin' Round the Mountain" (Para.)
"The Man I Married" (20th-Fox)
ORPHEUM—(3,000) (30c-44c) 7 days. Gross: $6,400. (Average, $7,200)

Phila. Associates Meet

PHILADELPHIA, Sept. 9.—The Motion Picture Associates resume their Fall activities on Sept. 14 with a meeting at Broadwood Hotel.

COOPER in

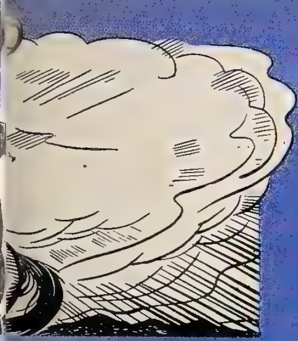
THE **WESTERNER**



the newest, biggest hit

made on the gilt-edged

GOLDWYN standard!



Gill-Edged Direction

. . . . from WILLIAM WYLER who directed "Wuthering Heights", "Dead End", "These Three", "Dodsworth" and "Come and Get It".

Gill-Edged Production

. . . every scene of its exciting footage makes it The Great Outdoor Spectacle in the Great Goldwyn Tradition...climaxed by the roaring fire of the crops, more thrilling than the storm in "The Hurricane!"

Released thru UNITED ARTISTS

'Town' Scores Fine $40,800, Is Chicago Hit

CHICAGO, Sept. 9.—"Boom Town" grossed $21,000 at the Roosevelt and $19,800 at the United Artists, for a total of $40,800. "Rhythm on the River," with Joe Penner on the stage of the Chicago, took a strong $44,000, and "Lucky Cisco Kid," with Glen Gray and his orchestra on the stage, drew $21,000 at the Oriental.

Estimated takings for the week ending Sept. 6:

"I Love You Again" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: $6,500. (Average: $6,500)

"Rhythm on the River" (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Joe Penner: Gross: $44,000. (Average: $32,000)

"Return of Frank James" (20th-Fox)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: $5,000. (Average: $5,000)

"Lucky Cisco Kid" (20th Fox)
ORIENTAL — (3,200) (25c-40c) 7 days. Stage: Glen Gray & Orchestra. Gross: $21,000. (Average, $13,000)

"Lucky Partners" (RKO)
"Slightly Tempted" (Univ.)
PALACE—(2,500) (35c-40c-60c) 7 days. Gross: $18,000. (Average: $13,000)

"Boom Town" (M-G-M)
ROOSEVELT—(1,500) (50c-65c-75c-85c, 7 days. Gross: $21,000. (Average: $11,000)

"Andy Hardy Meets Debutante" (M-G-M)
STATE-LAKE—(2,700) (25c-40c) 7 days. Stage: Dick Todd Joe Reichman and Band. Gross: $19,000. (Average: $15,000)

"Boom Town" (M-G-M)
UNITED ARTISTS—(1,700) (50c-65c-75c-85c) 7 days. Gross: $19,800. (Average, $14,000)

"Gone With the Wind" (M-G-M)
WOODS—(1,100) (75c-$1.10-$1.50) 7 days, 32nd week. Gross: $10,500.

'Correspondent' $11,200, Montreal

MONTREAL, Sept. 9.—"Foreign Correspondent" caught first place with $11,200 at Loew's, while "I Love You Again" grossed $11,000 at the Palace, rain on the holiday helping patronage.

Estimated takings for the week ending Sept. 6:

"Rhythm on the River" (Para.)
"Golden Gloves" (Para.)
CAPITOL — (2,547) (25c-40c-55c-65c) 7 days. Gross: $8,500. (Average, $8,000)

"Foreign Correspondent" (U. A.)
LOEW'S — (2,800) (30c-40c-60c) 7 days. Gross: $11,200. (Average, $8,000)

"South of Pago Pago" (U. A.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $4,800. (Average, $5,000)

"I Love You Again" (M-G-M)
PALACE — (2,600) (25c-40c-55c-65c) 7 days. Gross: $11,000. (Average, $9,000)

"Mystery Sea Raider" (Para.)
"Comin' Round the Mountain" (Para.)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $5,000. (Average, $5,000)

Heads AGVA Unit

PHILADELPHIA, Sept. 9.—Lee Travers has taken over the duties of executive secretary of the local A.G.V.A. chapter. He was appointed as national representative of the Philadelphia office last week by Hoyt S. Haddock, national executive secretary, succeeding Tom Kelly, who was ousted from the post on charges of alleged incompetency. Travers was fifth vice-president of the local actors' union.

Serving the Albany district—third highest per capita rating in the country. Use

Station WOKO
(CBS outlet)

Off the Antenna

NBC will add its 200th affiliated station on Jan. 1, when KXOK, St. Louis, and KFRU, Columbia, Mo., join the Blue network. KXOK will replace KWK as the St. Louis outlet for the basic Blue. KFRU will be a bonus outlet for sponsors using KXOK.

The rate for KXOK and KFRU will be $350 per evening hour. Both stations are owned by the St. Louis *Star-Times*. After Oct. 15, KXOK will go to 5,000 watts on 630 k.c. and KFRU to 250 watts, 1,370 k.c.

• • •

Purely Personal: *D. B. Van Houten, manager of NBC office services division, in addition to his present duties temporarily will be acting personnel manager to replace Dwight G. Wallace, who resigned over the weekend. Charles Thurman, who also resigned at the same time as manager of the guest relations department, was replaced by W. G. Martin, formerly assistant manager. . . . Martha Scott is staying in New York to do a transcription for "Career of Alice Blair." . . . Allen Prescott, conductor of the "Wifesaver," will be guest of the Advertising Women's Club of New York at a luncheon today. Sally Rand will also be a guest at the luncheon. . . . Mary York, who has been heard over WNEW at 8 P.M. on Thursdays, has been awarded the Wednesday night* 8:15 *spot with Merle Pitt's orchestra. . . . Sydney Moseley returned to the WMCA commentator staff yesterday.*

• • •

Edgar Kobak, vice-president in charge of NBC-Blue sales, will be the only man at a luncheon at the New Weston Hotel this afternoon. His guests are restricted to feminine employes of the Blue web.

• • •

Program News: *"Pot o' Gold" will shift to* 8-8:30 *P.M. Thursdays over NBC-Blue on Oct.* 3 *from its present* 8:30-9 *spot. . . . "Red" Grange, the famous "No. 77" will be heard on a Mutual network show over* 18 *mid-West stations beginning Oct.* 4. *He will give his football predictions on Fridays and the scores on Saturdays with the National Refining Co. as sponsor. . . . Brown-Williamson Tobacco Co. has renewed Paul Sullivan's newscasts over* 63 *CBS stations. He is heard at* 6:30 *P.M. Mondays through Fridays. . . . "Big Town" will return to CBS Oct.* 9 *for Lever Bros. . . . Gordon Baking Co., which is sponsoring the same show over WABC will also sponsor John Nesbitt's "Passing Parade" over WEAF, Mondays through Fridays at* 9:10 *A.M.*

• • •

On the basis of bookings to date, the NBC sales department estimates that Fall and Winter gross billings will run about nine per cent higher than the same months last year. The 1939 average for the coming season was about $4,200,000.

NBC, CBS Set AP Sponsored News

NBC and CBS will initiate sponsored programs using Associated Press news within the next few weeks, it was learned yesterday. NBC will start in about three weeks, it was said.

Vanti-Pa-Pi-A is the first sponsor to use AP news on network stations, although the two shows arranged will be broadcast locally only. Beginning Sept. 9, WEAF will broadcast Mondays, Wednesdays and Fridays at 6:25 P.M. for Vanti-Pa-Pi-A and WABC, Tuesdays and Thursdays at 6 P.M.

NBC has lined up two additional sponsors, Barbasol and Musterole, for AP news.

CBS is known to be working on similar deals, although there was a reluctance to discuss the matter at the network yesterday. AP teletype machines were installed in the CBS newsroom yesterday and AP news will start on a sustaining basis over the network shortly.

McNamee Dinner Sept. 23

PHILADELPHIA, Sept. 9.—Earle W. Sweigert, Paramount branch manager, is serving as chairman for the testimonial dinner to be given Frank McNamee, retiring branch manager for RKO, and Charles Zagrans, the new branch head here. The dinner will be held at Hotel Warwick, Sept. 23, instead of Sept. 26, as originally announced.

Douglas, Pioneer of Phonograph, Dies

SAN FRANCISCO, Sept. 9.—Leon F. Douglas, 71, inventor who originated the famed phrase, "His Master's Voice," for the Victor Talking Machine Co., died here on Saturday after a long illness.

Douglas organized the Victor company with Eldridge Johnson in 1900. He was instrumental in the development of color motion pictures and invented various camera and radio devices.

Golden on Tour of Monogram Offices

LOS ANGELES, Sept. 9.—Edward Golden, Monogram sales manager, left here today for a tour of Monogram exchanges following three days of conferences with W. Ray Johnston, president, and Howard Stubbins, Los Angeles exchange manager.

World premiere of Monogram's "Queen of the Yukon," has been set for the Liberty, Seattle, within the next 10 days. The picture will be given a special campaign.

Schreiber Heads WGN

CHICAGO, Sept. 9.—Frank Schreiber, WGN publicity manager, has been named manager of the station, effective immediately. He will retain his publicity post in addition to his new duties. Quin Ryan, the former manager, will remain with the station to continue with commercial programs he is now handling.

Who's Afraid?

BALTIMORE, Sept. 9.—WBOC, Salisbury, Md., will go on the air Friday, the 13th. The initial program will be supplied by WFBR, Baltimore, and sent by wire to WBOC. Henry Hickman, WFBR announcer, will handle the inaugural show.

BMI Challenges Ascap to Debate

Broadcast Music, Inc., yesterday challenged Ascap officials to a public debate before broadcasters, songwriters and Ascap members on the issues of the current controversy. John G. Paine, Ascap general manager, when advised of the challenge, stated that Ascap had no objection to such a debate.

BMI issued its challenge through Sidney M. Kaye, vice-president and general counsel, in a reply to a challenge made by Irving Caesar, president of the Songwriters Protective Association. Kaye asserted that BMI had no quarrel with the songwriters as such and declined to debate with Caesar. However, he added that he would debate with Ascap before a group of broadcasters, Ascap members and other song writers.

Paine, in accepting the challenge, pointed out that Ascap had not issued any such challenge and was not officially in receipt of Kaye's offer to debate. He said, however, that Ascap had offered to present its views before the National Association of Broadcasters' convention and had been refused permission. Ascap is ready to air its views in any appropriate forum, he declared.

Kaye asserted that BMI is willing to negotiate a contract with SPA provided BMI is permitted an equal opportunity with Ascap to license performing rights. The second condition, Kaye said, is that composers must be compensated for radio rights on the basis of the number of performances over the air. He added that if these two conditions were met, there was no reason why a contract could not be agreed upon.

Name Committees for Variety Club Dinner

PHILADELPHIA, Sept. 9.—The Philadelphia Variety Club has completed its listing of committees for the sixth annual banquet to be held Dec. 12 at the Bellevue-Stratford Hotel.

They include: General chairman, Jack Beresin; first vice-chairman, David E. Weshner; second vice-chairman, James P. Clark; dias, Ted Schlanger; program, William J. Clark; tickets, Hillary A. Brown; entertainment, David E. Weshner; reception, Earle W. Sweigert; publicity, Everett Callow; dinner, Ben Fertel; seating, Milton Rogasner; transportation and hotel, Clinton K. Weyer; out-of-town guests, Paul Greenhalgh; printing, Sidney E. Samuelson; electrical, William A. MacAvoy.; public address and microphone, E. O. Wilschke; infantile paralysis fund, James P. Clark; decoration and production, Samuel H. Stiefel; physician in charge, Dr. Joseph A. Ritter.

NEW STANDARDS OF PERFORMANCE

THEIR versatility, backed by unvarying dependability, makes the use of Eastman negative films imperative to meet modern production demands. These raw-film favorites have established new high standards of performance, bringing faithful realism to the screen. Eastman Kodak Company, Rochester, N. Y.

J. E. BRULATOUR, INC., *Distributors*
Fort Lee Chicago Hollywood

PLUS-X
for general studio use

SUPER-XX
when little light is available

BACKGROUND-X
for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

CIRCULATION FACTS

TOTAL NET PAID INCLUDING BULK

MOTION PICTURE HERALD	**15,367**
PUBLICATION "B"	**14,429**

EXHIBITION CLASSIFICATION

MOTION PICTURE HERALD	**12,719**
PUBLICATION "B"	**11,407**

SUBSCRIPTIONS SOLD WITH PREMIUMS

MOTION PICTURE HERALD	**NONE**
PUBLICATION "B"	**2,994**

[FIGURES FROM ABC PUBLISHERS' STATEMENTS
FOR SIX MONTHS ENDING JUNE 30TH, 1940]

HERALD SUBSCRIPTION $5 PER YEAR
PUBLICATION "B" *Advertised* **PRICE $2 PER YEAR**

MOTION PICTURE HERALD

FILE COPY

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 51 NEW YORK, U. S. A., WEDNESDAY, SEPTEMBER 11, 1940 TEN CENTS

Theatres in London Start 9 P.M. Curfew

Industry Is Functioning Despite Air Raids

By AUBREY FLANAGAN

LONDON, Sept. 10.—Beginning tomorrow, all film houses in London voluntarily will observe a 9 P.M. curfew temporarily, as a result of the continuous night bombing of the city by Nazi sky raiders.

In the majority of instances, theatres will start the final program of the day with the feature picture, thus enabling patrons to start for their homes earlier. Thus far the outer London area has not been affected by the bombing attacks.

Other districts which have been the target of Nazi raids also are observing an earlier closing hour for theatres, but the country generally is operating under normal conditions. The Ministry of Home Security still insists that meanwhile there is no necessity of altering theatre operating conditions which now maintain.

More than a score of theatres in the Greater London area have been affected by the bombings, some suffering damage and others forced to close temporarily. Prior to this weekend, 116 British theatres had closed in the past 12 months, the first year of the war.

The audience leaving one London theatre sometime during the weekend was scattered by a bomb. Also, a delayed action bomb almost compelled the abandonment of one London trade showing today.

Thus far there have been no evacuations from Wardour Street, London's film Row, and all studios are continuing calmly about their work.

Interstate Pledges Drafted Men's Jobs

Dallas, Sept. 10.—Karl Hoblitzelle, head of Interstate Circuit and Texas Consolidated Theatres, has advised all employes that in the event of their being called for military service, the company will make every effort to protect their jobs, and, in cases where it is warranted, will see that no employes undergo financial hardship during the period of compulsory military service.

Sunday Shows Win Favor of Equity Council

The Actors Equity council yesterday went on record as favoring Sunday legitimate shows in New York State for a trial period until June 1 next. The council will recommend that the quarterly membership meeting, which will be held Sept. 27 at the Hotel Astor, authorize a nationwide referendum on the question with the ballot containing a statement that the council favors an affirmative vote.

Although there is considerable opposition within Equity to Sunday shows, it is believed almost certain that those favoring Sunday performances will be in the majority, particularly since the council favors it.

Other actions taken by the council yesterday included the raising of minimums of actors from $40 to $50 weekly, effective on contracts signed after Dec. 1, and raising initiation payments from $50 to $100.

Sunday shows have been legal in New York for five years, but theatrical unions have insisted on double pay for that day. However, stagehands, musicians and treasurers two months ago agreed to waive the double pay requirement and if the referendum passes, Equity will follow suit.

The decision to raise minimums came after a two-year fight by some of the members. The effective date has been delayed until Dec. 1 in order not to affect shows now in theatres, in rehearsal, or for which budgets already have been set. Equity will meet with the League of New York Theatres tomorrow to apprise managers of the new ruling.

NSS Robbins Drive To Begin on Sept. 15

The 20th anniversary testimonial by the sales force of National Screen Service and associated companies, to Herman Robbins, president, in the form of a 15-week sales drive, will get under way Sept. 15.

Regional sales meetings in preparation for the campaign have been held already in New York, for the Eastern sales personnel, and in Chicago for the Central area, while a West Coast regional meeting will be held in Los Angeles on Thursday and Friday with George Dembow, sales manager, in charge. Robbins has been president of the company for the past 20 years, and prior to that he was a Fox sales executive for eight years. The drive will end on Dec. 26.

Walker to Resign As MPTO Counsel

Frank C. Walker will resign as general counsel of the Motion Picture Theatre Owners of America when he officially assumes his place in President Franklin D. Roosevelt's Cabinet as Postmaster General, it was learned last night. Who will be his successor in the M.P.T.O.A. post has not been revealed.

Pratchett to Report On Dispute in Cuba

A full report on prospects for combating the Cuban anti-block booking law will be given to home office foreign managers next week by Arthur Pratchett, Paramount general manager for Central America, who is acting as the distributors' representative in opposing the Cuban measure.

Pratchett is now in Mexico City but is scheduled to arrive here by plane some time next week.

The Cuban Government recently rejected the American distributors' protests against the bill but left the way open for further negotiations.

Indications are that no decisive action will be taken on the measure until after Oct. 15, when the newly elected Cuban administration will take office.

Set Reserved Seat 'Westerner' Policy

A reserved seat sale at $1.20 for both orchestra and balcony will prevail at the world premiere of Samuel Goldwyn's "The Westerner," at the Worth and Hollywood, Ft. Worth, Sept. 19. Only one performance will be given that night in the two theatres and scales will revert to normal with the opening of the run of the picture the following day.

On Sept. 18 a "Typical Texan" girl will arrive from each of 30 cities

(*Continued on page* 5)

Equity Backs AFRA In Battle with Webs

Actors Equity yesterday voted full support to any action taken by the American Federation of Radio Artists against the networks or radio stations in connection with AFRA's demand for higher pay for performers on sustaining programs. The council instructed members that they were not to accept employment on sustainers in the event AFRA declared a strike.

There were no new developments yesterday in the negotiations between the union and the broadcasters with both sides remaining adamant.

An Acceptable Decree Hope Of Exhibitors

Kuykendall Leaves After Talks with Arnold

Max A. Cohen, president of New York Allied, it was learned last night, is taking steps to intervene in the New York antitrust suit, despite the stand of the Department of Justice. It is understood that attorneys for Cohen have advised him that the consent of the Department of Justice is not necessary in order to intervene.

WASHINGTON, Sept. 10.—Hope for the development of a consent decree which will be acceptable to exhibitors was felt in Washington tonight as Ed Kuykendall, M.P.T.O.A. president, left here following two conferences in as many days with Assistant U. S. Attorney General Thurman Arnold.

Refusing to the last to make any comment whatever on the meetings. Kuykendall reported merely that when he reached his home in Mississippi he would make his report and recommendations for action to his executive committee and board of directors by mail.

Department of Justice officials were equally silent as to the result of the talks, but in other quarters confidence was expressed that some kind of an agreement satisfactory to the exhibitors will be worked out as a result of the representations which have been made to

(*Continued on page* 5)

$2,161,804 Revised Year's Profit of 'U'

Revised estimates show that Universal will earn considerably more than had been previously estimated, for the 13 weeks ending Oct. 27, it was learned last night. According to this revised estimate, the company will show earnings on the year of $2,161,804. This is about $1,171,000 greater than that earned by the company in 1939. The tremendous progress made by Universal under the direction of Nate Blumberg and J. Cheever Cowdin is indicated in these earnings, for in 1938 the company showed a net loss of $773,247.

Nick Weston Trial Testimony Begins

ST. LOUIS, Sept. 10.—Testimony began today in the Government's trial of John P. Nick, ousted head of the local operators' union, and Clyde A. Weston, former business agent, on charges of racketeering and violation of the Sherman Anti-Trust Act.

For the first time in 15 years a Federal jury was ordered locked up overnight. Assistant Attorney General Roscoe T. Steffen, in charge of the prosecution, said that the trial is in no sense persecution of union labor, but "is a prosecution of acts subversive of union labor." He said the Government will show the alleged shakedown by Nick and Weston of theatre owners in 1937 to forestall wage increase demands.

The first witnesses were local exchange managers whose testimony was designed to trace the mechanics of the business.

Hays Is Due Friday For Board Meeting

Will H. Hays is expected from the Coast on Friday to prepare for the quarterly board meeting of the M.P.P. D.A., scheduled for next Tuesday.

Indications are that the choice of a successor for Tom Pettey as publicity head of the Producers Association will be left to a committee of that organization. Following the selection, the proposal for formation of a field staff to maintain direct contacts with leading newspapers and publications in the field will be given further study.

Personal Mention

HOWARD DIETZ is scheduled to arrive by plane today from the Coast, following a four-week visit at the M-G-M studio.

•

SOL EDWARDS of Film Alliance has left for sales conferences with franchise holders on new product in Boston, New Haven, Pittsburgh, Detroit, Cincinnati and Cleveland.

•

MORTON TRUOG, salesman for National Screen Service and son of W. E. TRUOG, manager for United Artists in Kansas City, will be married this Fall to BETTIE-COLE MCCUNE.

•

ALLYN BUTTERFIELD, in charge of newsreel activity for the Republican National Committee, and his assistant, JAMES REND, are in the Midwest arranging for Willkie's 18-state tour.

•

SAM WARD of the Fay, Philadelphia, has gone to the Royal in Baltimore.

•

DAVID WEINSTEIN, assistant manager of the Studio, Philadelphia, has returned to his post after a long illness.

•

HELEN D. RONDI, cashier at the Favini Theatre, Peckville, Pa., was married recently to ROMEO A. MOLINARI in Jessup, Pa.

•

RODNEY COLLIER, manager of the Stanley in Baltimore, is spending a brief vacation at Atlantic City.

•

H. J. YATES is scheduled to arrive from the Coast by plane tomorrow.

MATTHEW W. FOX, vice-president of Universal, will leave for the Coast on Friday.

•

ROBERT MOCHRIE, Eastern division sales manager for RKO, is on a business trip to Boston.

•

MARTIN QUIGLEY, MONROE GREENTHAL, PAUL BENJAMIN, JOSEPH MALCOLM, AL MARKS, DOUGLAS ROTHACKER, WALTER FUTTER, CARL LESERMAN, FRED MCCONNELL, WILLIAM FITELSON, MAURICE BERGMAN, JACK MAYER, DAVE O'MALLEY, JAMES CRON, JOSEPH BURSTYN, ABE SCHNEIDER, JEFFREY BERNERD, LOUIS J. BARBANO and WILLIAM FERGUSON lunching at the Tavern yesterday.

•

EUGENE PICKER, EDDIE DUCHIN, MARVIN SCHENCK, SOL EDWARDS and SEYMOUR POE at Lindy's (next to the Rivoli) yesterday for lunch.

•

CHARLES STERN, ARTHUR SILVERSTONE, IRVING BERLIN and HARRY RITZ, lunching at Lindy's (51st St.) yesterday.

•

J. ROBERT RUBIN, ALBERT LASKER, STANTON GRIFFIS, SI FABIAN, KEN MURRAY, WILLIAM BRANDT, TED O'SHEA, JOHN D. HERTZ, JR., GUY BOLTON, JOHN GOLDEN and LAUDY LAWRENCE at Sardi's for lunch yesterday.

•

JOSEPH BERNHARD, JOHN W. HICKS, FRED LANGE, WILLIAM ORR and OWEN DAVIS lunching at Nick's Hunting Room in the Astor yesterday.

Night Competition

TORONTO, Sept. 10.—The latest opposition to Toronto theatres is midnight baseball under the floodlights at the Maple Leaf Stadium under the auspices of the Toronto Amateur Baseball Association. Local exhibitors have had Sunday midnight shows all to themselves for a considerable number of years but semi-pro. baseball promoters have stolen the midnight performance idea for play-off games. One match did not conclude until 3 A.M.

See Metro Handling 'Liberty' Film at Cost

Current indications are that M-G-M will distribute at cost the revised version of "Land of Liberty," which is to be released for Red Cross benefit showings some time next month.

The picture in a cut and revised version was shown to distributors during the past week. M-G-M had reserved its decision on distributing it until it had seen this final version. The company's formal acceptance, however, has not been given yet.

An advertising and publicity committee was designated yesterday to assist the theatres' Red Cross campaign committee, which will sponsor the benefit showings of "Land of Liberty." Major L. E. Thompson, chairman of the theatres' committee, appointed the following to serve on the advertising and publicity committee: Lester Thompson, director of the Advertising Advisory Council, chairman; Mort Blumenstock, Warners; Si Seadler, Loew's; Herb Berg, Paramount, and Ken Clark, M.P.P.D.A.

In addition, Major Thompson plans the formation of a national field organization to aid the theatres' participation in the Red Cross annual roll call, Nov. 11 to Nov. 30.

New Haven Vaudeville

NEW HAVEN, Sept. 10.—The Arena, Connecticut's only sports palace, will open its "name" vaudeville policy for the season Sunday with Mitchell Ayres and Jack Teagarden orchestras, and seven acts, headlined by Henry Armetta. Admission will be 40 and 75 cents afternoons, and 55-85 cents and $1.10 evenings, including tax. Nathan Podoloff manages the Arena.

Deny Philadelphia Mastbaum to Open

Contrary to previous reports, it is learned that the Mastbaum theatre in Philadelphia, which has been closed for more than five years, will not reopen.

Strauss Rites Today

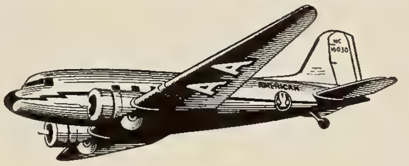
Funeral services will be held at 10 A.M. today at the Frank Feeney Funeral Home, Brooklyn, for Sigmund Strauss, veteran Loew manager, who died at his home Sunday. Strauss was employed by Nicholas and Joseph Schenck many years ago at the Star Music Hall, Fort George Park. Later, he became manager of the Broadway, Brooklyn; Loew's 42nd St.; the old American; Loew's Warwick, Brooklyn; and, most recently, Loew's Palace, Brooklyn.

Picket St. Louis Houses

ST. LOUIS, Sept. 10.—Three neighborhood theatres in suburban Webster Groves and Kirkwood, outside of St. Louis, are being picketed by operators of Local 143, because the management of the theaters refused to continue employment of members after expiration of their contract last week.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



CALIFORNIA
TEXAS ★ ARIZONA

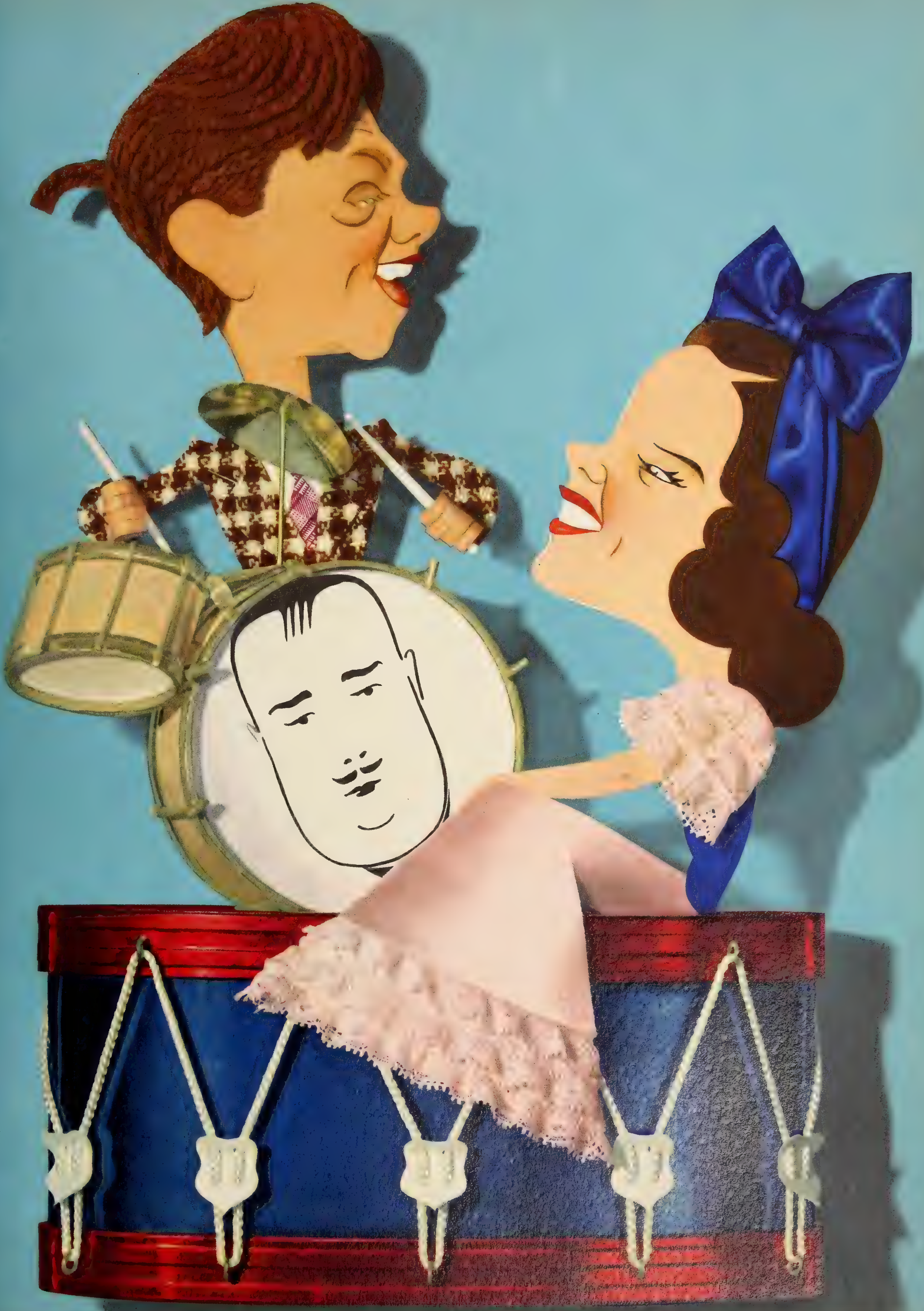
4 FLAGSHIPS DAILY COAST-TO-COAST

★ It's a delightfully cool overnight skysleeper trip to Los Angeles via American's Southern All-Year Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAvemeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES
The Sun Country Special 7:05 am
The Plainsman . . . 4:25 pm
The Mercury . . . 5:10 pm
The Southerner . . . 10:15 pm
(Standard Time)
Twice Daily to
MEXICO CITY

AMERICAN AIRLINES Inc.
ROUTE OF THE FLAGSHIPS

ALTEC
SERVICE CORPORATION
250 West 57th Street • New York City
THE SERVICE ORGANIZATION OF THE MOTION PICTURE INDUSTRY



The LION'S ROAR

Published in this space every month

The greatest star of the screen!

Although we've never had our face lifted, we do know what it's like to feel young all of a sudden.

* * * *

There was Mickey Rooney at the drums, there was Judy Garland at the voice, and there were we and all the audience at our happiest.

* * * *

That trip to see "Strike Up The Band" was a trip to the Fountain of Youth.

* * * *

It started us singing. Usually our vocal efforts are confined to the marbled halls of the shower-room, but after seeing this new M-G-M sooper dooper musical smash, our little voice went pattering all over the house.

* * * *

The boys and girls in the picture get the plot inspiration from Maestro Paul Whiteman himself. Over the years Whiteman has deserved the title His Royal Highness of Rhythm. Paul's music never palls.

* * * *

We have a flock of bouquets to pass around on this one. We'll toss a few to Arthur Freed, the hit Ascap song-writer who turned producer; to Busby Berkeley, the director; and to those brother rats, Monks and Finklehoffe, who wrote the screen play.

* * * *

When you hear "Our Love Affair," others will hear *you.* It's more than a melody, it's an infection.

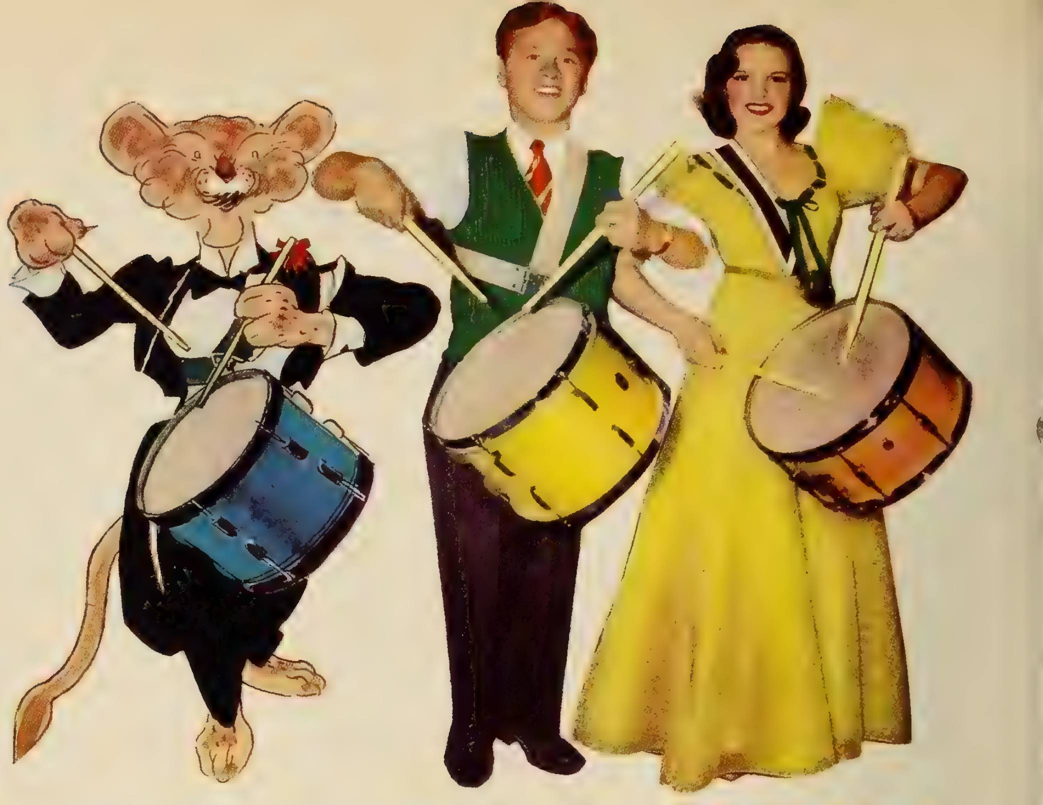
* * * *

But the final repeat rave must be held for those incomparable artists of the present and future, those babes in arms, Rooney and Garland. We call them Punch and Judy, because punch is what they've got.

* * * *

No wonder we're singing —*Leo*

Above: *Latest issue of M-G-M's famed national magazine column*



THE SPIRIT OF 1940!

(Be there when the band starts playing!)

Mickey ROONEY
Judy GARLAND

M-G-M's
STRIKE UP THE BAND

with

PAUL WHITEMAN AND HIS ORCHESTRA

June Preisser • William Tracy • Original Screen Play by John Monks, Jr. and Fred Finklehoffe • Directed by Busby

An Acceptable Decree Hope Of Exhibitors

(*Continued from page* 1)

the Department by the representatives of the various exhibitor groups who have conferred with Arnold and his aides during the past week.

Anti-trust division officials, and Kuykendall as well, appeared to feel that there has been too much public discussion of the decree proposals and the negotiations, with the result that the industry generally has been greatly stirred up. At the Department, it was intimated the situation is delicate because of loose talking which has created misapprehensions as to what the decree will do to various interests.

Denying a press association dispatch that he had rejected the decree proposals, Arnold said today discussions are still going on and appeared optimistic of a successful outcome of the negotiations.

Work on the formal draft of the proposed consent decree was continued here yesterday by the drafting committee for the Government and the five consenting companies.

The work will continue until completed, with indications that a final draft in legal form will be ready by the end of this week or early next week, according to the estimate of a Government spokesman.

Drafting Committee

Yesterday's meeting was held in the office of Donovan, Newton, Leisure & Lumbard, counsel for RKO, with the following members of the drafting committee attending: Robert Sher and Robert L. Wright for the Government; Robert Perkins, Warners; Ralston Irvine, RKO; Fred Pride, 20th Century-Fox; Bertram Shipman, National Theatres; Louis Phillips, Paramount, and Stanley Thompson, Loew's.

The legal draft now in preparation will be presented to Federal Judge Henry W. Goddard, Oct. 7. It will differ from the draft of the pending decree in that the latter is described as "a statement of principles."

Some work still remains to be done on the arbitration provisions of the decree but no meeting is likely to be scheduled for a few days.

Meanwhile, Milton C. Weisman, attorney for the I.T.O.A. of New York, declared yesterday that he would appear before Judge Goddard and ask leave to intervene in the Federal anti-trust suit as "friend of the court" in order to oppose the "inequities of the decree and to demonstrate the injuries to independent exhibitors" which would result from its adoption.

In doing this, Weisman said, he did not believe it necessary to obtain Arnold's consent and will rely entirely upon the discretion of the court.

Arnold was represented by Government spokesmen earlier as being of the belief that the exhibitors neither have nor can have any legal standing in the case and their attempts to intervene or to enjoin the decree would be without legal merit. It was added, however, that Arnold would invite the exhibitors to appear at the Oct 7 hearing and express their objections to the decree then if the court would permit.

Suit Ended, Miss Sullavan Assumes Lead in 'Flotsam'

HOLLYWOOD, Sept. 10. —Although Albert Lewin-David Loew's "Flotsam" has been shooting for several weeks, it was not until last week that permission to use Margaret Sullavan as the star was obtained. Universal, alleging that the star owed it a picture, obtained a restraining order in Los Angeles Superior Court prohibiting her from making any picture until she did her Universal chore. However, amicable settlement of the difficulty was reached; Miss Sullavan is now working in "Flotsam," and will do one for Universal following that.

Her salary, as disclosed in court records, will be $3,750 a week on the Universal picture.

Twentieth Century-Fox executives have made up their minds this week on the Charlie Chan series, and put Sidney Toler, who enacts the detective role and Sen Yung, his film son, under contract calling for three pictures a year, with options. The contract gives them the right to make outside pictures. Six a year had been the usual Chan quota.

The Samuel Goldwyn Red Cross-Allied relief fund committee, comprising representatives of various studios, guilds, unions and other film organizations, will be continued, according to Y. Frank Freeman, president of the Association of Motion Picture Studios, in order to handle any charity drives in which the industry may be called on to participate.

Smiley Burnette, who will not appear with Gene Autry in "Melody Ranch" at Republic, has gone out on a new personal appearance trip, this time to such large cities as Cleveland, Pittsburgh and Washington. The picture, a "special," has a high budget, and cast with Autry are Jimmy Durante, Mary Lee and George "Gabby" Hayes. The studio is negotiating with Frances Dee and Charles Bickford, according to Sol C. Siegel, producer. . . . Rosalind Russell, seen in two previews last week—"No Time for Comedy" and "Hired Wife"—has been signed by Columbia to appear opposite Melvyn Douglas in "This Thing Called Love," to be directed by Alexander Hall and produced by William Perlberg. Ken Englund and George Seaton wrote the story.

"Remedy for Riches" is the new title for the first of the 1940-'41 series of "Dr. Christian" pictures being produced by Stephens-Lang for RKO. Erle C. Kenton directs, with Dorothy Lovett and Edgar Kennedy supporting Jean Hersholt. Lee Loeb wrote the original story. Prudence Penny, home economics editor, joins the cast, also. . . . Roscoe Ates falls heir to the role of the late Eddie Collins in 20th Century-Fox's "Chad Hanna," and James Gleason is being sought for the title role in that studio's "Corncob Kelly's Benefit," which Collins was to have done.

Warners' film on the life of Sergeant Alvin York will be titled simply "Sergeant York." . . . Vincent Sherman will direct "Fiesta in Manhattan," John Garfield vehicle.

Ad Heads Discuss Cigarette Pictures

Advertising and publicity directors of the major companies meeting at the Hays headquarters yesterday, discussed informally the effects of free advertising shows which one of the cigarette manufacturing companies is staging throughout the city. It is reported that the free shows have already played in 26 theatres, some of which are part of one of the big independent circuits. No action was decided upon.

Roach Sets Five for New Season Release

Hollywood, Sept. 10.—Hal Roach will deliver five comedies for United Artists' release during the new season, he stated after conferences here today with Maurice Silverstone, United Artists' chief executive. "Road Show," the first, has been completed.

Titles of the remainder are: "Topper Returns," "Broadway, Ltd.," "Niagara Falls," and another to be decided soon.

Pilzer Sues Loew's

Kurt Pilzer, as assignee of Reich Filmgesellschaft, Austrian producing company, has filed suit in N. Y. Supreme Court against Loew's, Inc., for $10,000 damages, claiming breach of contract under which Loew's allegedly agreed to purchase the right to remake "Silhouetten," the plaintiff's film.

Kreisler Promoted In 'U' Sales Shifts

B. B. Kreisler, Universal branch manager at Washington, has been promoted to special sales representative out of the home office by William A. Scully, general sales manager.

Max Cohen, assistant manager under D. A. Levy at the New York exchange, replaces Kreisler as Washington manager. Paul Baron, Charlotte branch manager, has been transferred to manager Boston, replacing A. J. Herman, resigned. J. A. Pritchard, Memphis manager, takes over the post vacated by Paul Baron at Charlotte. Pritchard's successor in Memphis will be named shortly.

Sue on Picture Use

Armanda and George Siebert have filed suit for $100,000 and an injunction against Educational Film Exchanges, Inc., William T. Abbe, trading as the Abbe Films Inc., Raymond J. Cannon, trading as National Cinema Service, and Walter Futter. They are charged with using the plaintiffs' photographs without their permission in a film called "Curiosities" or "Movie Side Shows."

Franklyn Warner to N. Y.

Hollywood, Sept. 10.—Franklyn Warner, president of Fine Arts Films, will leave for New York this weekend by boat to discuss releasing arrangements with distributors.

Set Reserved Seat 'Westerner' Policy

(*Continued from page* 1)

in Texas to participate in each event and to vie for the "Most Typical" crown. The morning of the premiere day, three planes will arrive with the Hollywood contingents and press representatives.

Expected are Mr. and Mrs. Gary Cooper, Mr. and Mrs. Samuel Goldwyn, Mr. and Mrs. Walter Brennan, Mr. and Mrs. William Wyler, Doris Davenport, Bob Hope, Ken Murray, Mr. and Mrs. Jon Hall, Forrest Tucker, Bruce Cabot and Chill Wills, and newspaper representatives.

They will attend a buffet lunch at the Worth Hotel. A parade is then scheduled with city and state officials, cowboys, stage coaches and the like. Local merchants will compete for the most appropriate window display while banners will be carried by cars, busses and various commercial vehicles. Schools will have a half holiday.

The showing of the film will be augmented by a stage show with a cast of 100.

On the following day, the picture will open in 50 other Texas cities.

Para. Pep Club Is Headed by Israel

Arthur Israel, Jr., assistant to Barney Balaban, president of Paramount, was installed as president of the Paramount Pep Club yesterday, along with other officers of the club and the board of governors. Stanton Griffis, chairman of the Paramount executive committee, officiated at the installation, and on behalf of the club's members presented Israel with a silver decorated gavel and presented Joe R. Wood, retiring president, with a watch.

The installation was held in the clubrooms on the 12th floor of the Paramount Building. Balaban, unable to be present, sent a message to the membership through Israel.

Officers besides Israel who were installed include Eric Ericsson, vice-president; T. A. Compo, treasurer, and Helen R. Krause, secretary.

The new board of governors, elected for two years, includes Leonard Goldenson, Fred Mohrhardt, Joe R. Wood, C. W. Alexander, Marguerite Henrikson and Natalie Bindler.

Eight New Films Are Approved by Legion

Eight of 10 new films have been approved by the National Legion of Decency, six for general patronage and two for adults. Two were found objectionable in part. The new films and their classification follow:

Class A-1, Unobjectionable for General Patronage: "Argentine Nights," "Arizona Frontier," "Dr. Kildare Goes Home," "Men Against the Sky," "Ragtime Cowboy Joe," "Ride, Tenderfoot, Ride." Class A-2, Unobjectionable for Adults: "Lady in Question," "Public Deb. No. 1." Class B, Objectionable in Part: "Dance, Girls, Dance," "Hired Wife."

Para. Tourney Sept. 19

Paramount's 13th annual golf tournament will be held Sept. 19 at the Adolph Zukor golf course in New City. John McDermott and Joe Wood head the arrangements committee.

"I WAS FED UP WITH MY HUSBAND"

Writes Mrs. Thelma Throttle

"I was all ready to give Egbert the brush-off and hitch my way to Reno when I saw Paramount's 'I Want a Divorce.' I laughed so hard I forgot all about divorcing Egbert. We are now as happy as two love birds. You must see . . ."

JOAN BLONDELL
DICK POWELL
in Paramount's
"I WANT A DIVORCE"

Dunks Divorce in a Flood of Laughter...

Directed by RALPH MURPHY • Screen Play by Frank Butler • Based on a Story by Adela Rogers St. Johns

Feature Reviews

"The Girl from Havana"

(*Republic*)

With more hand and gun fighting than a Western thriller, and with a cast headed by Dennis O'Keefe, Claire Carleton, Victor Jory and Steffi Duna, Republic has in this a zestful melodrama which should rate for most audiences as exciting entertainment.

It's a rip roaring, action-laden story that neither lags nor wanders from its course throughout the telling, under the skillful direction of Lew Landers.

Contributing their capable talents, too, are Gordon Jones, Bradley Page, Addison Richards, Abner Biberman and William Edmunds. The original screenplay was written by Karl Brown. Robert North acted as associate producer.

O'Keefe, Jory and Jones are oil drillers working in South America. There they meet Miss Carleton, whose attention is sought by O'Keefe and Jory. They fight, are jailed and are soon set free. A cafe brawl which follows results in the death of Jones. O'Keefe, seeking revenge, kills the assassin and, by way of escape, becomes a gun-runner for a revolutionary group. A thrilling climax occurs in a war between members of the oil company in which O'Keefe had been previously employed and the revolutionists.

"Girl from Havana" also is a song which Miss Carleton sings effectively. Miss Duna, as the girl friend of the revolutionary leader, finds occasion to render a Spanish number.

Running time, 69 minutes. "G."*

"Dreaming Out Loud"

(*RKO*)

The radio prominence of the top cast names is the main asset of this film of a simple story. The locale for the most part is a general store in a small town. The tale itself is a phase in the routine lives of the proprietors. It comprises mostly small town drama with its smiles and tears, has a happy ending, and affords the principals, Lum and Abner, occasion for rendering their particular type of entertainment.

Frances Langford, Frank Craven, Bobs Watson and Robert Wilcox are in featured roles. Phil Harris is seen in an early sequence. Lum and Abner are the store proprietors. In the course of events are the death of a little girl caused by a hit-and-run driver and the ultimate capture of the driver, and the death from a paralytic stroke of a country doctor. The latter is succeeded by his son, who is provided by the townsfolk with a mobile hospital unit.

The film was produced by Jack Votion and Sam Coslow. Harold Young directed a screenplay by Harold J. Green, Barry Trivers and Robert D. Andrews.

Running time, 81 minutes. "G."*

"Who Is Guilty?"

(*Monogram*)

A murder, the ensuing police investigation and sporadic bits of humor are compounded into an entertaining tale of the mystery variety, which increases in interest as the story develops.

"Who Is Guilty?" was a play by Alec Coppel titled "I Killed the Count," adapted to the screen by Coppel and Laurence Huntington. Produced in England by I. Goldsmith, an adequate cast, more familiar to British audiences, was employed. This includes Syd Walker, Ben Lyon, Terence de Marney, Barbara Blair and Anthole Stewart. Lyon and Miss Blair will be recognized here, however. Fred Zelnik directed.

The story concerns the murder of a count and the inquiry by Walker, an inspector, and his assistant, de Marney. After much questioning and deduction, Lyon is apprehended as the murderer and soon confesses. Matters become complicated, though, when three others plead guilty to the crime. Stymied, Walker abandons the case.

Running time, 69 minutes. "G."*

---

*"G" denotes general classification.

RKO Retains House

CINCINNATI, Sept. 10.—Despite previous announcement that RKO would give up the suburban Orpheum upon expiration of its lease Aug. 31, after which it would be operated by I. J. and Chester Martin, owners, the house will continue under RKO. The original lease was executed five years ago.

Seek Sunday Films

BERWICK, Pa., Sept. 10.—After the Berwick Council tabled an earlier petition asking that the matter of Sunday films be placed on the November ballot, a second petition, containing 500 additional names, was presented at a special meeting and the body decided to present the petition to the County Commissioners.

Frisco Fair Beats Five Million Mark

San Francisco, Sept. 10.—Still more than 30 per cent ahead of last year, exposition attendance has passed the 5,000,000 mark, with three weeks yet to go. Billy Rose's "Aquacade," with a holiday weekend attendance of more than 90,000, is nearing a total attendance of 1,700,000, with "American Cavalcade" and "Folies Bergere" likewise setting new records.

Kansas City Gives 'Town' Big $23,800

KANSAS CITY, Sept. 10.—Big money went to "Boom Town" and "The Lady in Question," with $23,800 at the Midland, at advanced prices. "Rhythm on the River" took $9,600 at the Newman. The weather was cool and rainy in spots.

Estimated takings for the week ending Sept. 3-5:

"Young People" (20th-Fox)
ESQUIRE—(800) (28c-44c) 7 days. Gross: $2,000. (Average, $2,200)
"Boom Town" (M-G-M)
"The Lady in Question" (Col.)
MIDLAND—(4,000) (35c-40c-60c) 7 days. Gross: $23,800. (Average, regular prices, $9,500)
"Rhythm on the River" (Para.)
NEWMAN—(1,900) (28c-44c) 7 days. Gross: $9,600. (Average, $7,000)
"They Drive by Night" (W. B.)
"Pop Always Pays" (RKO)
ORPHEUM—(1,500) (28c-44c) 7 days, 2nd week "Drive." Gross: $3,900. (Average, $5,000)
"Carolina Moon" (Rep.)
TOWER—(2,200) (30c) 7 days. Stage: 3 Sophisticated Ladies, Dezso, Burns Twins, Evelyn Price. Gross: $6,100. (Average, $6,000)
"Young People" (20th-Fox)
UPTOWN — (2,000) (28c-44c) 7 days. Gross: $3,000. (Average, $3,000)

'Boom Town' Draws $23,000, Providence

PROVIDENCE, Sept. 10.—Loew's State grossed $23,000 with "Boom Town" and "The Lady in Question." "The Sea Hawk," singled at the Majestic, was good for a fine $9,000.

Estimated takings for the week ending Sept. 4-5:

"Lucky Partners" (RKO)
"Dr. Christian Meets the Women" (RKO)
RKO-ALBEE — (2,239) (28c-39c-50c) 7 days. Gross: $6,000. (Average, $6,000)
"Boom Town" (M-G-M)
"The Lady in Question" (Col.)
LOEW'S STATE—(3,232) (35c-44c-65c) 7 days. Gross: $23,000. (Average, $11,000)
"The Sea Hawk" (W. B.)
MAJESTIC—(2,250) (28c-39c-50c) 7 days. Gross: $9,000. (Average, $7,000)
"Rhythm on the River" (Para.)
"Hidden Gold" (Para.)
STRAND—(2,200) (28c-39c-50c) 7 days. Gross: $7,000. (Average, $6,000)
"Girl From Avenue A" (20th-Fox)
"Oklahoma Renegades" (Rep.)
FAY'S—(1,800) (20c-28c) 7 days. Gross: $2,300. (Average $2,500)
"He Stayed for Breakfast" (Col.)
"Gold Rush Maisie" (M-G-M)
CARLTON—(1,526) (28c-39c-50c) 7 days, 2nd week. Gross: $1,800. (Average, $3,500)
"Turnabout" (U. A.) (3 days)
"I Was an Adventuress" (20th-Fox) (3 days)
"South of Pago Pago" (U. A.) (4 days)
"They Drive by Night" (W. B.) (4 days)
EMPIRE—(2,200) (20c-28c) 2nd run. Goss: $1,682. (Average, $1,700)

Golden Back at 20th-Fox

HOLLYWOOD, Sept. 10.—Max Golden, former associate producer at 20th Century-Fox, has returned to the studio as assistant to William Koenig, production manager.

Newsreel Parade

THE "new phase" of the war is on view in the new issues as German air attacks on London and R.A.F. reprisal raids on Berlin are seen. The reels and their contents follow:

MOVIETONE NEWS, No. 1—Air attacks on London; R.A.F. in reprisal raids on Berlin. U. S. destroyers sail to join British navy. Knox and Admiral Hepburn meet on the Coast. Diving exhibitions in California. Philadelphia girl crowned "Miss America." Tobacco festival in Virginia. Martinelli sings at Chicago concert. David Rockefeller weds Margaret McGrath. All-star football game in New York. Dartmouth football players prepare for season. Lew Lehr.

NEWS OF THE DAY, No. 303—R.A.F. raids on Berlin. Air raid survivors in London. Taylor home from Vatican. Martinelli at Chicago concert. "Miss America" crowned at Atlantic City. Motorcycle meet in Indianapolis. Swimming in California.

PARAMOUNT NEWS, No. 4—Atlantic City beauty pageant. French ambassador arrives here. Norwegian youths arrive in sloop. David Rockefeller weds Margaret McGrath. Music festival in Chicago park. Prince Michael takes Rumanian throne. Defense commission meets in Washington; destroyers set for transfer. Swim meet in California. Dartmouth football players in practice. Polo at Westbury. Boys in boxing matches.

RKO PATHE NEWS, No. 4—Air battles in England. LaGuardia speaks at defense board meeting in Washington. Willkie speaks in Rushville. Tanks slated for transfer to Canada. Martinelli sings in Chicago park. Tobacco festival in Virginia. Boys box at Worlds Fair.

UNIVERSAL NEWSREEL, No. 909—Destruction in London. King Carol leaves Rumanian throne. Knox visits Coast navy base. Tank transfer to Canada under discussion. "Miss America" chosen at Atlantic City. Taylor arrives from Vatican. Tobacco pageant in Virginia. Open air concert in Chicago. Production of pennies speeded at California mint. Dog show at Rye, N. Y. New York boys in boxing bouts.

Committees Named For Sound Studies

HOLLYWOOD, Sept. 10.—Darryl F. Zanuck, chairman of the Research Council of the Academy of Motion Picture Arts and Sciences, has announced the following subcommittees to operate under the supervision of the council's basic sound committee:

Dubbing: James G. Stewart, Daniel J. Bloomberg, W. P. Delaplain, Roger Heman, Arthur Johns, Kenneth Lambert, Russell Malgren, Louis Mesenkop, Hal Shaw and E. H. Wetzel; set sound recording: William Mueller, C. W. Faulkner, Gordon Sawyer and William Thayer; flutter in sound recording equipment: S. J. Twining, A. C. Blaney, Ferdinand Eich, J. G. Frayne, John Hilliard and Thomas Ingman; sound recording film stock: Clem Portman, Gerald Best and Kenneth Lambert.

Roosevelt to Fight Chicago 'Hall' Ban

HOLLYWOOD, Sept. 10.—James Roosevelt, whose picture, "Pastor Hall," United Artists release, has been banned by the Chicago censor on the ground that it is "controversial," will fight the action.

Roosevelt said an inquiry will be made into the authority of the police censor to ban the film, and a demand made that it be shown wherein the picture is "controversial," as claimed by Lieutenant Costello, the Chicago censor.

Off the Antenna

WITH the extension of time for filing briefs until Oct. 25 granted by the FCC, rendition of the monopoly report will be further delayed. The networks asked that the filing of briefs be delayed until December but the commission saw fit to compromise. In one respect, at least, a December date would have been a decided advantage—it would have removed the industry from the white heat of the election battle.

The Committee on Communications of the American Bar Association, after a study of the monopoly report, declared that there are five elements to be considered:

(1) The inherent necessity for nationwide cooperation in getting program material; (2) The necessity that one or more stations in each locality shall give substantial program service responsive to local needs, even though such service is of little interest elsewhere; (3) The necessity, since broadcasting facilities are maintained by advertising revenues, of so conducting them that advertisers can afford to spend the millions which are required to keep them going; (4) The necessity of so dealing with these problems that the public interest will not suffer from the very considerable powers which it may seem best to allow to private interests, and (5) The corresponding necessity that when provision is made for the required regulation of these private interests, such regulation shall not itself injure the public interest by permitting or encouraging Government agencies to exercise more power than it is safe for them to exercise.

The monopoly report recognizes the first, second and fourth of these elements but gives little attention to the third and fifth, according to the lawyers' committee.

• • •

Purely Personal: *Sid Schwartz, former publicity and special events director at WNEW, is in Hollywood doing free lance script work. . . . Sam Dickinson, formerly heard on special shows over WOKO, Albany, is a new member of the Radio Center's announcing staff in Albany. . . . Erastus Corning, WOKO announcer, has been signed for the "Young Dr. Aldrich" shows and is commuting between Albany and New York.*

• • •

Program News: WHN has obtained exclusive rights to broadcast all New York Giant football games. Schick Injector Razors will sponsor. Lines will be installed to Washington, Pittsburgh and Philadelphia for the games played there. . . . Molly Picon will begin her fourth year for Maxwell House Coffee over WMCA Tuesday, Oct. 8 at 8 P.M. . . . "Fame and Fortune" will be the new Lewis-Howe quiz show over 77 NBC-Blue stations, beginning Thursday, Oct. 17 at 8:30 P.M. . . . New business at WABY, Albany, includes Swire Furniture, five-minute news periods; Sabourin's, five-minute news programs; Jonathon Levi, five-minute programs; 20th Century Diners, Gorman Specialty, Capitol Buick, McGrath's Wine, Boulevard Upholstery, Empire Shoes, and Ramax Paint, participations. . . . WOKO, Albany, accounts include a renewal by Carter Products for daily announcements; Myers Department Store, five minutes daily, and Spry, announcements. . . . Procter & Gamble will start two new script shows over CBS, Monday, Sept. 30. The shows are "The O'Neills" over 17 stations, and "Woman in White" over 32.

Back to the Farm

TORONTO, Sept. 10.—The back-to-the-farm movement appears to be spreading among film industry executives in Canada. N. L. Nathanson, president of Famous Players Canadian, has just purchased five farms which will be consolidated into one.

Other farm-owners are: Henry L. and Paul Nathanson, brother and son, respectively, of N. L.; Clair Hague, Universal Canadian representative; Oscar R. Hanson, president of Empire Films and Hanson Theatres Corp.; E. H. Wells, secretary of the Canadian Film Boards of Trade; Harry Price, head of Superior Films, Ltd.; Charles F. Mavety, and Ralph McClelland, owner of the Capitol here.

Philadelphia Area Has Building Spurt

PHILADELPHIA, Sept. 10.—The new season shows an added spurt in new theatre construction in the Philadelphia metropolitan area with most of the activity in suburban and surrounding communities. Just opened, or about to open are the new Boro, operated by Sam and Nathan Stiefel, who now operate the Roxy; the first house for Florence, N. J., built by Morris Panson, of New Brunswick, N. J.; the new Sauconia at Hellertown, Pa.; Charles Stearman's Cinema Arts for foreign films.

Albert M. Lieberman, local realtor, is erecting a new house in the suburban Ridley Park section, with contracts awarded for new houses to be erected in the suburban Westgate Hills and Wynnewood sections.

Nathanson Donates Aviation Sport Field

TORONTO, Sept. 10.—N. L. Nathanson, president of Famous Players Canadian, has donated $7,500 to the Canadian Government for the purpose of establishing a sports center at the air station at Trenton, Ont., of the Royal Canadian Air Force, where hundreds of young men from various parts of the Empire are being trained as war pilots. The camp has had no sport facilities of a permanent nature.

Nathanson's gift will provide a grandstand seating 600, hockey rink, dressing rooms, shower equipment, lockers, two football fields, three baseball diamonds, running track and volley ball court, the Government to furnish the land.

Political and Paid

In a last minute switch, the Democratic National Committee decided that President Roosevelt's speech before the Teamsters' Union convention this evening would be "political" after all. As a result, networks and stations which were to carry the speech without payment have canceled it and the Democrats will pay for time on CBS and the NBC-Blue. In addition, the facilities of WHOM and WEVD have been bought.

Debate with BMI Is Rejected by Ascap

Ascap yesterday rejected the proposal for a debate made Monday by Sidney Kaye, vice-president and general counsel for Broadcast Music, Inc. On Monday, John G. Paine, Ascap general manager, told MOTION PICTURE DAILY that he "had no objection" to such a debate.

Yesterday, Paine asserted that he could not "see any subject of debate between Ascap and BMI, unless perhaps it would be a question of which has the better repertoire, which offers the most encouragement and protection to song writers—or which will give the most service to band leaders, vocalists, broadcasters, sponsors and the public—not in promises, but in results."

Paine added that he would discuss business with Kaye in "a business-like way" if Kaye is authorized to speak for stations or networks.

Ascap stated that membership had hit an all time high of 1,285 with the admission of 39 composers and authors during August.

Ask Independents To Join Coast AMPP

HOLLYWOOD, Sept. 10.—The Association of Motion Picture Producers has issued invitations to the "major-independents" such as Frank Capra, Edward Small, David O. Selznick and others, to join as associate members.

As previously reported here, the "major independents" have been meeting informally on common problems through their various business managers. They would not expect to pay regular dues and would want at least two representatives if they joined the A.M.P.P. So far in the nebulous stage, talks are scheduled this week between the independents' representatives and Harry M. Warner.

Loew-Poli Vaudeville

NEW HAVEN, Sept. 10.—Vaudeville will be resumed at Loew-Poli the Globe, Bridgeport, Monday nights. The Bijou here will resume last year's Saturday night vaudeville policy beginning Sept. 28, and may add another day weekly for stage shows.

Serving the Albany district—third highest per capita rating in the country. Use

Station WABY (NBC Blue)

(Four miles up . . . Landing gear jammed . . . Crash imminent for world's fastest plane! . . . That ship's gear must be pulled out! But how?... And by whom?)— Just one of the breakneck thrills in this thriller terrific!

Wing Trouble in the Stratospher

MOTION PICTURE DAILY SAYS:

"It evoked more applause from a preview audience than all the flag-waving in all the other flight pictures made since 'Hell's Angels.'"

MOTION PICTURE HERALD:

"Preview applause and appreciation . . Has romance . . humor . . pathos . . drama and adventure . . Seemed to please its first beholders mightily."

SHOWMEN'S TRADE REVIEW:

"Swell entertainment . . Chock-full of thrill . . steers clear of the present conflict abroad."

HOLLYWOOD REPORTER:

"Capital entertainment . . before you are awa of it, 70 minutes of film has been run off wi a laugh, a thrill, or a sigh per minute."

HOLLYWOOD VARIETY:

"Affords a timely tour behind the scenes in t airplane industry."

MEN AGAINST T

with

RICHARD **DIX** ★ KENT **TAYLOR**

EDMUND **LOWE** ★ WENDY **BARRIE**

PRODUCED BY HOWARD BENEDICT · DIRECTED BY LESLIE GOODWIN

SCREEN PLAY BY NATHANAEL WEST

. . Dame Trouble on the Ground!

Streamlined lightning . . . with Test Pilot Mercedes, who'd fly anything from a bicycle to a bomber—anytime, anywhere! . . . Drama, excitement and fireball action in that breathless world of airplane-building, where speed, speed and more speed is the demon that wrecks men's nerves and women's dreams!

HE SKY

R K O
RADIO
PICTURES

The Marines Can't Help You—

NATIONAL SCREEN SERVICE
ADVERTISING ACCESSORIES, INC.
NATIONAL SCREEN ACCESSORIES

but

THE BIG THREE IN THEATRE ADVERTISING CAN!

The Marines are a highly organized... specialized military unit with a reputation for doing a good job... *every time!*

The Big 3 in Theatre Advertising is a highly organized unit of advertising specialists carefully trained to do a good selling job... *every time* with Trailers...Lobby Displays...Standard Accessories...streamlined to the times—so that they reach more people and sell more seats.

Yes sir... the situation *is* well in hand with

NATIONAL SCREEN SERVICE
Advertising Accessories, Inc.
NATIONAL SCREEN ACCESSORIES

Best Sellers in the Business!

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 52 NEW YORK, U. S. A., THURSDAY, SEPTEMBER 12, 1940 TEN CENTS

FILE COPY

Reallocations Fixed on U. S. Radio Stations

Alter Frequencies Under North American Pact

WASHINGTON, Sept. 11.—The Federal Communications Commission today filed with the State Department its proposed reallocation of broadcast frequencies, and set March 29 next, as the date for their application, simultaneously with the giving of effect to the North American Regional Broadcasting agreement, under which they were developed.

Changes in frequencies will affect all but 85 of the 862 stations now operating, moves ranging from 10 to 40 kilocycles, with 614 stations being required to move up 20 kilocycles.

The various broadcasters now are being apprised of their new allocations and have been given until Oct. 15 in which to register any exceptions to the commission's arrangement.

Coast Flashes

HOLLYWOOD, Sept. 11.—An explanation of the ways and means of increasing A. F. of L. membership in Hollywood studios will be given at a luncheon of A. F. of L. locals' business representatives tomorrow, honoring Aubrey Blair on his appointment as Hollywood organizer for the Federation.

•

Warners announced they would make a feature starring James Cagney, from "The Tanks Are Coming," first proposed as one of the national defense shorts series. Raoul Walsh has been assigned to direct a script by Owen Crump. Much of the work will be on location at Fort Knox, Ky. Executives decided after reading the script of the short that it warranted greater attention.

•

In response to a suggestion from Gov. Leverett Saltonstall of Massachusetts, Samuel Goldwyn has agreed to make a companion picture to "The Westerner," the new production to star Gary Cooper and probably to be titled "The Easterner."

Governor Saltonstall's suggestion was that the colorful history of New England lends itself to film material.

•

Walt Disney has signed Alfred Werker to direct the Robert Benchley sequences in "The Reluctant Dragon," feature in cartoon and human action to be released about Jan. 1.

Cohen Statement Says Exhibitors Have Right to Intervene in Suit

Max A. Cohen, president of Allied of New York, yesterday issued the following statement, offering the legal opinion of Jacob Schechter, New York attorney, on the rights of exhibitors in intervening in the consent decree settlement:

"In our opinion motion picture exhibitors have the right to intervene in the pending equity suit brought by the United States against the leading motion picture producers and distributors for violation of the anti-trust laws.

"We feel that valuable rights of the exhibitors will be adversely affected by certain provisions of the proposed consent decree, and unless opportunity is afforded to the exhibitors by way of intervention in the pending suit, to be heard in support of their claims, and in defense of their rights, they will be divested of such rights without due process of law."

Anticipate 200 at Warner Tourney

Approximately 200 Warner employes and guests are expected at the annual Warner golf tourney today at Old Oaks Country Club, Purchase, N. Y. Carl Leserman, assistant general sales manager, will act as master of ceremonies in presenting the awards at a dinner following the tournament. More than 50 prizes will be awarded.

The committee in charge of arrangements includes: Gerry Keyser, chairman; Arthur Sachson, Leonard Palumbo, Abe Kronenberg, Harold Rodner and A. W. Schwalberg.

Executives who will attend include: Major Albert Warner, Grad Sears, S. Schneider, Mort Blumenstock, Joseph Hummel, Clayton Bond, Joseph Hazen, Harold Bareford, Stanleigh Friedman, Karl MacDonald, Roy Haines, Norman Moray, A. W. Schwalberg, Barney Klawans, Ned Depinet, Sam Rinzler, Herman Robbins, Sam Dembow, Leonard Goldenson, T. J. Martin, Stuart MacDonald, Frank Phelps, Leonard Schlesinger, Herman Starr, Rudy Weiss and Jacob Wilk.

Trade paper representatives attend-

(*Continued on page* 5)

'Pastor Hall' Opens At Globe on Sept. 20

"Pastor Hall," the English feature on Nazi Germany, owned by James Roosevelt and distributed in this country by United Artists, will open at the Globe on Broadway, Sept. 20, one week later than the originally scheduled date, which was tomorrow.

CHICAGO, Sept. 11.—The Chicago Civil Liberties Committee today protested to Mayor Edward J. Kelly on the banning of "Pastor Hall" by the city police censor, pointing out that the board has reversed itself in the past on the banning of anti-Nazi pictures after public protests. The Mayor is expected to reply tomorrow.

Blumberg Says 'U' Plant Strengthened

Improvements and additions to the Universal studio and its facilities, undertaken more than a year ago, have proved to be the greatest strengthening factor in the history of the company, Nate J. Blumberg, president, declared yesterday following his return earlier in the week from his annual Summer stay at Universal City.

Reporting that Universal has just completed five of its major productions and has four other big pictures in work now, Blumberg contrasted this situation with that which prevailed a few years ago when, he recalled, "three top pictures in work simultaneously would choke the lot."

In the past few weeks as many as eight major films have been before the cameras at Universal with work on all of them progressing smoothly, he said.

The present production condition at Universal will permit the studio to complete seven major films by the end of the year, Blumberg said, "more

(*Continued on page* 5)

'Northwest' Policy To Be Fixed Today

KANSAS CITY, Sept. 11.—Paramount officials meeting here screened pictures all day and will meet tomorrow to determine the sales policy for "Northwest Mounted Police." Meeting here are Barney Balaban, president; Adolph Zukor, chairman of the board; Y. Frank Freeman, vice-president in charge of production; and Neil F. Agnew, vice-president in charge of sales, and district managers.

Zukor stated that more entertaining pictures were necessary to make up for the loss of European markets and suggested that if half the 30,000,000 Americans who can afford but do not attend film theatres could be brought in, the problem would be solved.

[Wire Photo on Page 2]

Decree Legal Draft May Be Ready Today

Final Arbitration Meet Set for Tomorrow

The drafting committee of attorneys for the Government and the five consenting companies continued their work yesterday on the formal legal draft of the proposed decree for presentation to Federal Judge Henry W. Goddard next month. Indications are the work may be completed by the committee at a meeting scheduled for today in the office of Donovan, Newton, Leisure & Lumbard, RKO counsel.

Final phases of the arbitration provisions of the decree will be discussed at a meeting of the arbitration committee tomorrow at the American Arbitration Association headquarters. This meeting, too, may complete the discussions.

The Government attorneys, Robert Sher and Robert L. Wright, expect to begin work next week on a revised complaint against the five consenting companies in order to avoid any conflict between the decree and the complaint on file in the Federal court. It is also anticipated that they will decide next week whether to include the three non-consenting companies, Columbia, United Artists and Universal, in the amended complaint or to file a separate action against them.

The New York I.T.O.A. voted yesterday to permit its committee of three to determine what steps shall be taken to prevent adoption of the block-of-five provision in the consent decree. The meeting was attended by about 65 exhibitors, including members of N. Y. Allied.

The decision to give the committee full powers came after a discussion of possible steps. The committee is composed of Harry Brandt, Leo Brecher and Milton C. Weisman.

Walker Takes Oath As Cabinet Member

Washington, Sept. 11.—Frank C. Walker was sworn in as Postmaster General this morning in the White House office of President Roosevelt, shortly after the latter's return to Washington from Hyde Park.

The oath of office was administered by Associate Justice Stanley F. Reed of the U. S. Supreme Court.

Personal Mention

William A. Scully, Universal general sales manager, and Eastern Sales Manager F. J. A. McCarthy left last night for Toronto to join Empire-Universal officials in their current negotiations with Famous-Players-Canadian executives. They will return over the weekend.

•

Roy Disney is in New York from the Coast for an extended stay, during which he will complete arrangements for openings of "Fantasia," the new Walt Disney symphonic production.

•

Leon Netter and M. F. Gowthorpe, Paramount home office theatre officials, left last night for visits to the company's theatre associates in New Orleans, Dallas and Beaumont, Texas.

•

Uda Ross, Erpi manager in Lima,, Peru, is expected here about Oct. 5 on his first visit to this country after 10 years in South America.

•

Ernest Dolcey has closed the Valley Theatre, Cherry Valley, N. Y., to enter a new business here.

•

Mr. and Mrs. Frank Lloyd leave for the Coast today aboard the *City of Norfolk*.

•

Leo Bonoff, Madison, Conn., exhibitor, will celebrate the Bar Mitzvoh of his son, Leo, Jr., on Saturday, at a New Haven synagogue, with a reception following at home.

•

Lou Cohen, relief manager on the Loew-Poli circuit, and manager of the Palace in Hartford, is vacationing.

•

John Perakos, son of Peter Perakos, exhibitor in New Britain and other Connecticut towns, has been named student manager of the State, Waterbury.

•

William A. Scully, Si Fabian, John W. Hicks, Russell Holman, Ted O'Shea and Tom Conners at Nick's Hunting Room at the Astor for lunch yesterday.

•

Ben Boyar, Arthur Krim, Robert Benjamin, Clayton Bond, Stanton Griffis, Harold Huber, Larry Hart, Bobby Crawford, Martin Beck and Benny Goodman lunching at Sardi's yesterday.

•

Joseph Moskowitz, George Joy, Lou Brecker, Irving Berlin and Sol Bornstein at Lindy's (51st St.) yesterday for lunch.

•

Harry Gold, John Wright, Milton Berle, Abe Schneider and Arthur Silverstone lunching yesterday at Lindy's (next to the Rivoli).

•

Al Margolies, Mort Spring, Ben Jacobson, Bert Wheeler, Joseph Malcolm, Harry Goetz and Harry Thomas at the Tavern for lunch yesterday.

Witt's Father Dies

Peter Witt, former personal representative here of Samuel Goldwyn, and now a WHN program director, received word from Germany yesterday that his father, Dr. Joseph Witt, had died there.

At Paramount Sales Meeting

As Paramount's district sales managers gathered at the Muehlbach Hotel in Kansas City yesterday for a two-day meeting to see films and determine a sales policy for "Northwest Mounted Police," these executives were caught by the camera in the above exclusive Motion Picture Daily wire photo. Left to right are: Barney Balaban, president; Neil F. Agnew, vice-president in charge of sales; Adolph Zukor, board chairman, and Y. Frank Freeman, vice-president in charge of studio operations.

Richey Is Honored At Metro Luncheon

A luncheon was tendered to H. M. Richey, newly appointed M-G-M director of exhibitor relations, by home office executives at the Hotel Astor yesterday. William F. Rodgers, general sales manager, introduced Richey to the group.

Among those in attendance were E. W. Aaron, Joel Bezahler, Dave Blum, Harry Bernstein, W. G. Brenner, S. S. Braunberg, A. F. Cummings, T. J. Connors, Tyree Dillard, Jr., Oscar Doob, Charles Deesen, D. O. Decker, Leopold Friedman, W. R. Ferguson, Jay Gove, Irving Helfont, I. L. Hirsch, W. D. Kelly, H. F. Krecke, Arthur Lacks, W. I. Levene, L. L. Lawrence, Arthur Loew, J. S. MacLeod, Ira Martin, J. T. Mills, C. C. Moskowitz, Herb Morgan, John Murphy, Harold Postman, Eugene Picker, J. R. Rubin, Marvin Schenck, Si Seadler, S. A. Shirley, M. L. Simons, C. J. Sonin, C. K. Stern, M. A. Spring, Art Schmidt, E. M. Saunders and J. R. Vogel.

Extend Early Curfew Of English Theatres

London, Sept. 11.—Extension to other areas of England of the earlier closing hour for theatres as a result of the concentrated Nazi bombing raids was determined upon today. as London began a temporary period of 9 P.M. theatre curfew.

Leeds has imposed a film theatre curfew of 9:30 P.M., and Liverpool, 9 P.M., while in certain other areas film houses are voluntarily closing earlier than usual.

Dismiss Warner Suit

N. Y. Supreme Court Justice Samuel H. Hofstadter has dismissed the $5,000 suit of Serge Adelheim against Warners for alleged unauthorized use of the song "Molchi, Grust, Molchi" in "British Agent."

ITOA Hits Theatre Use for Advertising

A resolution condemning the use of theatres for free shows by advertisers was passed unanimously at yesterday's meeting of the New York I.T.O.A. and it was decided that no I.T.O.A. member may lease his house for such purposes in the future.

The action followed a meeting at the M.P.P.D.A. offices Tuesday at which it was charged that Brandt houses were being leased to the Liggett & Myers Co. for free films advertising Chesterfield cigarettes. The free shows run for one hour each with a commercial short called "Tobaccoland-U.S.A." and "Pleasure Time," a musical produced from shots of Fred Waring's orchestra at radio broadcasts.

A discussion of the "Boom Town" policy took place but no action was taken. A special meeting will be held Wednesday to consider film buying.

Brandt Pledges Jobs

Harry Brandt, head of the Brandt circuit, yesterday announced that any employes called for military service under the conscription legislation will find their jobs waiting on their return, and their seniority will not be disturbed.

Skouras Trial Monday

Federal Judge John C. Knox has set trial for next Monday of the indictment charging George P. Skouras, Harvey B. Newins and two Skouras corporations with alleged bribery of ex-Judge Martin T. Manton.

'U' Signs Barrymore

Hollywood, Sept. 11.—Universal has signed John Barrymore to star in "The Invisible Woman," comedy to be produced by Burt Kelly, employing the invisibility technique used in "The Invisible Man Returns."

Nick Union Control Is Cited by Tomsen

St. Louis, Sept. 11.—Robert Tomsen, business agent of the operators' union, Local 143, who led the fight to oust John P. Nick and Clyde A. Weston from control of the union, took the witness stand today in the Government's trial of Nick and Weston on charges of racketeering and violating the Sherman Anti-Trust Law.

Tomsen first told of the fact that in 1937 Nick had negotiated a contract with the exhibitors providing for extension of regular working hours, in which connection the government contends, there was a payment of $6,500 to Nick and Weston.

Tomsen also testified that when asked by members of the local when local autonomy would be restored, Nick said, "When I get damn good and ready to give it to you."

Epidemic Continues To Affect Theatres

While the ban has been lifted on children under 16 attending theatres in Portsmouth, Ohio, because of the infantile paralysis epidemic, the effect on theatre business of the epidemic continues to be felt in Kansas, Missouri, Indiana and parts of Ohio.

Several theatres in Kansas and Missouri have been asked by health authorities to close, and others, according to the owners, "might as well be closed." The epidemic is said to be costing Kansas exhibitors thousands of dollars a day, and the whole Cincinnati trading area has been severely hit.

Sues for Receiver

Suit for the appointment of a receiver has been filed in N. Y. Supreme Court by Harry Silverstein against French Cinema Center, Inc., French Film Import Co., Inc., Gerry and Andre R. Heymann. Silverstein claims to have a 40 per cent interest in French Cinema.

Zeigler on Ampa Board

Jules Zeigler has been appointed to the board of directors of the Ampa, succeeding Lou Lifton, Monogram publicity and advertising head, who is now en route to Hollywood, Leon Bamberger, president of Ampa, has disclosed.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred I. Finestone, Managing Editor; James A Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams manager, cable address "Quigpubco, London." All contents coprighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

. . .“So it ain't hard enough we play 'They Drive by Night' and the mobs drive me nuts for 3 weeks. Then the boss follows it with 'Sea Hawk' and I get the same thing only worse for 4 weeks! Now he opens the Jimmy Stewart-Rosalind Russell show 'No Time for Comedy' and when I listen to the way they're beefing for seats again–boy am I gonna have trouble! I'm telling you Mac, I'm gettin' me a job at a house where they don't play no Warner shows--so I can take it easy!”

JAMES STEWART
ROSALIND RUSSELL
in 'NO TIME FOR COMEDY'
with GENEVIEVE TOBIN • CHARLIE RUGGLES
Allyn Joslyn • Clarence Kolb • Louise Beavers
Directed by WILLIAM KEIGHLEY
Screen Play by Julius J. and Philip G. Epstein • From the Stage Play by S. N. BEHRMAN • Produced by Katharine Cornell and the Playwrights' Company

MOTION PICTURE DAILY'S BOOKING CHART

ates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After itles Denote the Following: (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action. Production Numbers Follow Titles.

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Aug. 16	The Durango Kid (O) The Secret Seven (D)	Golden Fleecing (D) 49 *Lew Ayres* *Rita Johnson*	Missing People (D) 3958 Arizona Frontier (O)	Comin' Round the Mountain (C) 3944 *Burns-Merkel*	Tulsa Kid (O) 071 *Barry-Beery*	Ramparts We Watch (D) Stranger on the Third Floor (D)	Return of Frank James (O) 103 *Henry Fonda* *Jackie Cooper*	Foreign Correspondent (D) *Joel McCrae* *Laraine Day*		Money and the Woman (D) 417 *Jeffrey Lynn*
Aug. 23	He Stayed for Breakfast (C) *Loretta Young* *Melvyn Douglas*		Range Busters (O) Queen of the Yukon (O) 3903	The Great McGinty (C) 3945 *Brian Donlevy*	Oklahoma Renegades (O) 061 *3 Mesquiteers*	Dance, Girl, Dance (D) 040 Wildcat Bus (D) 043	Pier 13 (D) 106 *Lynn Bari* *Lloyd Nolan*			Flowing Gold (D) 412 *Pat O'Brien* *John Garfield*
Aug. 30	Five Little Peppers in Trouble (D) *Edith Fellows*	Boom Town (D) 48 *Clark Gable* *Spencer Tracy*	Who Is Guilty? (D) *Ben Lyons* *Barbara Blair*		Earl of Puddlestone (C) 924 *The Gleasons*	Lucky Partners (D) 038 *Ginger Rogers* *Ronald Colman*	Young People (D) 109 *Shirley Temple* *Jack Oakie*	Kit Carson (O) *Lynn Bari* *Jon Hall*		Sea Hawk (D) 401 *Errol Flynn* *Brenda Marshall*
Sept. 6	Fugitive From a Prison Camp (D) *Jack Holt* *Marion Marsh*	Dr. Kildare Goes Home (D) 101 *Lew Ayres* *L. Barrymore*	Up in the Air (D) 3914 *Frankie Darro*	Rhythm on the River (M) 4001 *Bing Crosby* *Mary Martin*	Ride, Tenderfoot, Ride (O) 043 *Gene Autry* *Smiley Burnett*	Men Against the Sky (D) 101 *Richard Dix*	Chan at Wax Museum (D) 110 *Sidney Toler*		Argentine Nights (M) *Ritz Brothers* *Andrew Sisters*	Calling All Husbands (C) *George Tobias* *Ernest Truex*
Sept. 13	Before I Hang (D) *Boris Karloff* *Evelyn Keyes*	Wyoming (D) 102 *Wallace Berry* *Leo Carrillo*	The Ape (D) 4001 *Boris Karloff*		Girl from Havana (D) 017 *O'Keefe-Carleton*	Dreaming Out Loud (C) 102 Wagon Train (O) 181	Elsa Maxwell's Public Deb. No. 1 (C) 105	The Great Dictator (C) *Charles Chaplin*	Hired Wife (C) Leather Pushers (D)	No Time for Comedy (C) *Stewart-Russell-Ruggles*
Sept. 20	Howards of Virginia (D) *Cary Grant* *Martha Scott*	Strike Up The Band (M) 103 *Rooney-Garland* *Paul Whiteman*		I Want A Divorce (D) 4002 *Joan Blondell* *Dick Powell*	Colorado (O) 051 *Rogers-Hayes*	I'm Still Alive (D) 103 *Kent Taylor* *Linda Hayes*	Yesterday's Heroes (D) 116 *Sterling-Rogers*	The Westerner (O) *Gary Cooper* *Walter Brennan*	Mummy's Hand (D) Ragtime Cowboy Joe (O)	City for Conquest (D) *James Cagney* *Ann Sheridan*
Sept. 27	Angels Over Broadway (D) *D. Fairbanks, Jr.* Glamour for Sale (D)	Haunted Honeymoon (D) 104 *R. Montgomery* *C. Cummings*	That Gang of Mine (D) *Gorcey-Jordon*	Rangers of Fortune (O) 4003 *MacMurray-Morris*		Triple Justice (O) 086	Brigham Young (D) 107 *Tyrone Power* *Linda Darnell*	Thief of Bagdad (D) *Conrad Veidt* *Sabu*	Spring Parade (M) *Deanna Durbin* *Robert Cummings*	East of the River (D) *Garfield-Marshall*
Oct. 4	So You Won't Talk (C) *Joe E. Brown* *F. Robinson*	Escape (D) *Norma Shearer* *Robert Taylor*	Drums of the Desert (D) *Ralph Byrd*	The Quarterback (C) *Wayne Morris* *Virginia Dale*	Under Texas Skies (O) 062 *3 Mesquiteers*	The Villain Still Pursued Her (C) 105 *Herbert-Louise*	Gay Caballero 108 *Cesar Romero* *Robert Sterling*		Diamond Frontier (D) *McLaglen-Nagel*	Knute Rockne-All American (D) *O'Brien-Page*
Oct. 11		Dulcy (C) *Ann Sothern* *Ian Hunter*	Old Swimmin' Hole (D) 4010 *Moran-Jones*	Moon Over Burma (D) *Dorothy Lamour* *Robert Preston*	Frontier Vengeance (O) 072 *Don "Red" Barry*	Too Many Girls (M) 106 *Ball-Carlson*	The Great Profile (C) 111 *John Barrymore*		Tropical Sinners (D) *Dietrich-Wayne*	
Oct. 18	Nobody's Children (D) *Edith Fellows* *Billy Lee*	Third Finger Left Hand (C) *Myrna Loy* *Melvyn Douglas*	You're Out of Luck (D) *Frankie Darro*	Christmas in July (C) *Dick Powell* *Ellen Drew*	Melody and Moonlight (M) *Johnny Downs* *Vera Vague*	Laddie (O) 107 *Tim Holt* *V. Gilmore*	Night Train (D) 114 *M. Lockwood* *Rex Harrison*		Slightly Tempted (C) *Hugh Herbert* *Peggy Moran*	
Oct. 25	West of Abilene (O) Girls Under 21 (D)	Sky Murder (D) *Walter Pidgeon* *Donald Meek*	Parson of Devil's Gap (O) Sign of the Wolf (D)	Cherokee Strip (O) *Richard Dix* *Florence Rice*	Young Bill Hickok (O) 052 *Roy Rogers*	You'll Find Out (M) 108 *Kay Kyser* *and Orcehstra*	Down Argentine Way (M) 113 *Don Ameche* *Betty Grable*		A Little Bit of Heaven (M) *Gloria Jean* *Robert Stack*	
Nov. 1				Arise My Love (D) *Claudette Colbert* *Ray Milland*		Li'l Abner (C) 109			I'm Nobody's Sweetheart (D) Island of Black Gold	

PARAMOUNT SHORTS

August 30
Stone Age Cartoon
'SPRINGTIME IN THE ROCKAGE'

September 6
Grantland Rice
Sportlight
'DIVING DEMONS'

September 6
Color
'POPULAR SCIENCE No. 1'

September 13
Headliner
(Technicolor)
'MOMENTS OF CHARM OF 1941'

100%
BOX OFFICE
TESTED

No Cooperation

Kansas City, Sept. 11.—E. S. Young, who operates the Central here, has said that he is resigning as president of the I. T. O. A. here because of the independents' inability or unwillingness to meet common issues with a united front. The I. T. O. only recently was reorganized after a long period of inactivity.

5th Stanley Warner Meet Held in Phila.

Philadelphia, Sept. 11.—Fifth annual meeting of the Stanley Warner Theatre Co. was held today at the Ritz Carlton Hotel with Ted Schlanger, zone head, as chairman and 105 house managers and company executives in attendance.

Chief interest was centered in an address by Joseph Bernhard, Warner Theatres general manager, who outlined the circuit's progress and stressed the need of merchandising pictures. He awarded Chevrolet automobiles to three managers, Bill Lafferty, Liberty, Tacony; Herman Comer, Capitol; and Lewis Black, Warner, Wilmington, for outstanding achievements in the zone during the past year. Similar awards will be made this year.

Other speakers included Harry Goldberg, Warner Theatres advertising head, Lester Krieger, J. Ellis Shipman, Sam Schwartz, Joe Feldman, Everett C. Callow, Bob Mills and Bill Charles.

Republic and Royal Close Product Deal

San Francisco, Sept. 11.—Republic has closed a deal for its 1940-'41 product with the Royal Amusement Co. of Honolulu, operating theatres in the Hawaiian Islands.

James R. Grainger, president of Republic, and Sid Weisbaum, San Francisco branch manager, represented Republic in the deal, and W. J. Citron represented the circuit.

Arthur W. Baron has been added to the sales force of Republic's branch in Salt Lake City, working in southern Idaho and western Wyoming.

200 Anticipated at Warners' Tourney

(Continued from page 1)

ing include: Jack Alicoate, Sam Shain, Chester Bahn, James Cunningham, John Flinn, Don Mersereau, Red Kann, Chick Lewis, A-Mike Vogel, James Cron, Jack Harrison, Ray Gallegher, Lionel Toll, Abe Bernstein and Lou Rydell.

Baseball Saturday

The semi-final games of the Motion Picture Baseball League are scheduled for this Saturday with the finals to be played Sept. 21. Competing for the championship will be Paramount, Consolidated Film Industries, Skouras and either M-G-M or Universal.

'Wind' Opening in Brazil

"Gone With the Wind" will have its Brazilian premiere at the Metro Theatre in Rio de Janeiro today as a benefit for a children's charity under the sponsorship of Senora Vargas, wife of Brazil's President.

Blumberg Says 'U' Plant Strengthened

(Continued from page 1)

than the company ever has been able to deliver in the course of almost two seasons." The new product referred to is "Spring Parade," the new Deanna Durbin picture; "Seven Sinners," starring Marlene Dietrich and John Wayne; "A Little Bit of Heaven," with Gloria Jean; "Hired Wife" and "Argentine Nights," all completed, and "The Invisible Woman," with John Barrymore; "The Bank Dick," starring W. C. Fields; "Caribbean Holiday" and "Back Street" in production.

U. A. District Sales Meeting Saturday

A meeting of United Artists district managers from all over the country will be held here Saturday to discuss with home office executives the sales policies on several of the company's important forthcoming releases. Among these are: "The Great Dictator," "Thief of Bagdad" and "The Westerner."

Maurice Silverstone, who will arrive tomorrow from Coast conferences with United Artists producers, will hold preliminary discussions during the day with Harry Gold and L. J. Schlaifer, United Artists vice-presidents in charge of distribution, on the forthcoming product and tentative sales plans.

Exhibitors Criticize English 'Portables'

London, Sept. 11.—Considerable criticism of the plan of the British Ministry of Information for traveling film shows was voiced at today's meeting of the general council of the Cinematatograph Exhibitors Association.

The Ministry had canvassed exhibitors for approval of the proposed itineraries of the portable theatres, and the C.E.A. will study them, eliminating areas already covered by regular theatres. The general council also objected to the inclusion of entertainment films in the portable show programs.

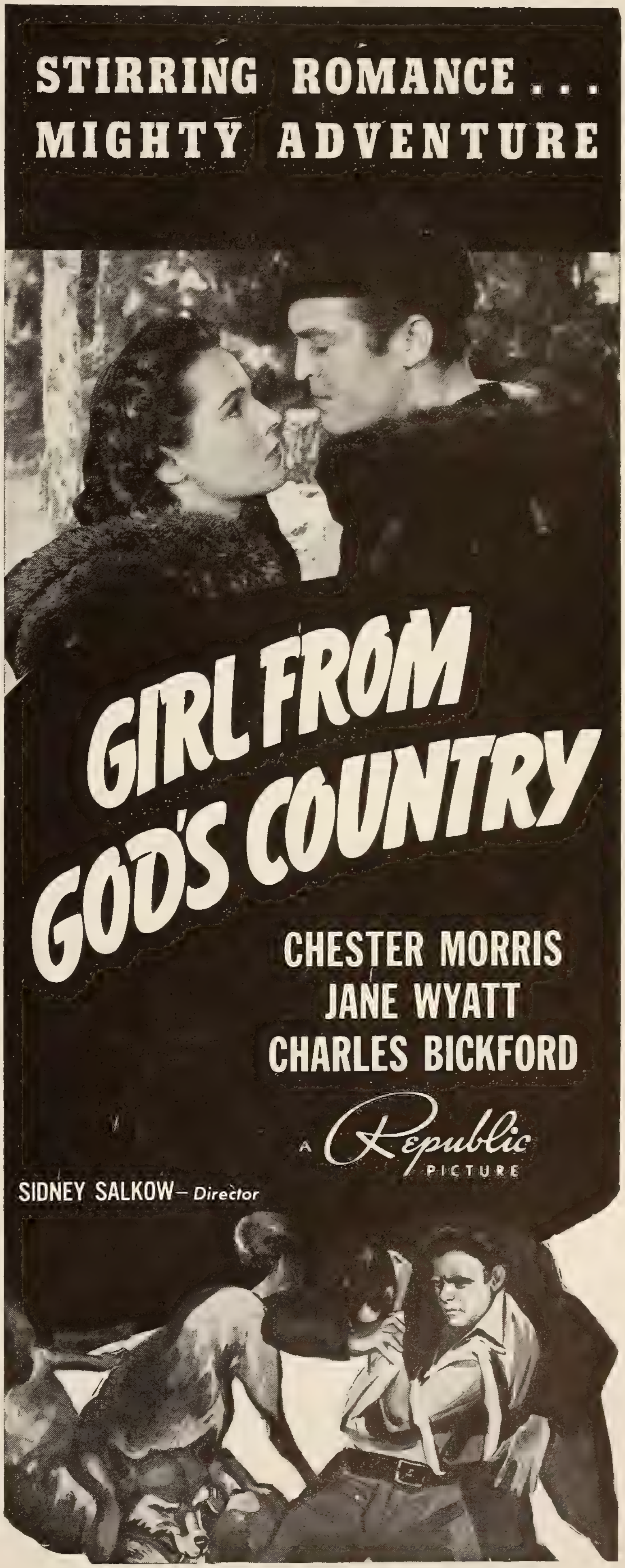
Ohio Town Votes to Prohibit All Games

Middleton, O., Sept. 11.—The City Council by a four to one vote has passed a previously tabled ordinance making illegal the operation of Bank Night or similar theatre games, and including giveaways in any line of business. Bingo also is included.

The measure, which passed after the third reading, originally was framed as a control of the numbers lottery "racket," and makes unlawful the possession of any cards or slips bearing lottery numbers.

Ohio Bank Night Ruling Due

Columbus, Sept. 11.—The Ohio Supreme Court, which reconvenes Sept. 24 after a Summer recess, is expected during its Fall term to rule on the constitutionality of Bank Night in the case of the Troy Amusement Co., against which proceedings were brought by Andrew Attenweiler, a taxpayer, asking for discontinuance of the game at the Mayflower, in Troy, O., on the ground that it violated the Ohio anti-lottery law.



"I TOLD MY WIFE TO SCRAM"

Writes Willoughby Blintz

"Violet, my little angel child, my petsy wetsy hearing such words from her own true love. Yes, it was all too, too true. I was giving Violet the bum's rush when a friend advised us both to see Paramount's 'I Want a Divorce. Now . . . ahhhhhhhhhhh . . . things are different in our home . . . You must see . . ."

JOAN BLONDELL
DICK POWELL
in Paramount's
"I WANT A DIVORCE"
Paramount's Comical Contribution to Wedded Bliss

Paramount Pictures

Directed by RALPH MURPHY • Screen Play by Frank Butler • Based on a Story by Adela Rogers St. Johns

Theatre Changes

Schoenstadt Takes Two

CHICAGO, Sept. 11.—H. Schoenstadt & Sons has acquired the Ritz, Berwyn, Ill., formerly operated by the Lasker circuit, and the Pix here, formerly a Sam Chernoff theatre. Ben Banowitz, operator of the Plaisance and Harmony, is dickering to take over the Kenwood, formerly a Schoenstadt house.

Reopen Connecticut House

STRATFORD, Conn., Sept. 11.—Following two weeks' closing for enlargement, reseating, and renovation of equipment, the 600-seat Stratford has been reopened by Albert Pickus.

Plan Tennessee House

TULLAHOMA, Tenn., Sept. 11.—Plans are being completed by the Cumberland Amusement Co., operator of the Strand, for converting a building into a modern film theatre.

Take North Carolina Theatre

CHARLOTTE, Sept. 11.—North Carolina Theatres, Inc., which operates the Carolina, Broadway and State in Fayetteville, has acquired and will soon open another theatre in that city.

Plan Philadelphia Suburban

PHILADELPHIA, Sept. 11.—Plans for a market building to be constructed at Westgate Hills, new suburban development in Delaware County, calls for the construction of a 1,000-seat, air-conditioned theatre.

Opens Iowa House

MEMPHIS, Ia., Sept. 11.—Eben Hays, owner of the new Time Theatre here, remodeled from the old Majestic, has opned the house.

New Griffith House Ready

KANSAS CITY, Sept. 11.—H. G. Griffith Theatres, Inc., will open its new Paola Theatre at Paola, Kan., shortly. Jack Jeffries will manage the house under supervision of R. W. Ferguson, manager at Osawatomie, Kan., who will handle both towns.

Danz Renovates Theatre

SEATTLE, Sept. 11.—John Danz has closed the Colonial for renovating, during which time new sound equipment and a complete air conditioning unit will be installed.

Remodel California House

BERKELEY, Cal., Sept. 11.—Manager Robert McHale of the Oaks Theatre is directing a $40,000 modernization job, which includes a new front, new interior decorations, new furnishings for lobby and restrooms, acoustical plastering, and a new ventilation system.

Renovate Wausau Theatre

WAUSAU, Wis., Sept. 11.—Plans are underway for the renovation of the Wausau Theatre, including the installation of a new front. John Matis, formerly manager of Fox's Strand at Manitowoc, Wis., is the new manager of the house.

Shift Michigan Manager

STEVENS POINT, Wis., Sept. 11.—H. L. Caesar, former manager of the Orpheum in Hancock, Mich., has been named manager of Fox's Lyric here. Myron A. Neumann, who managed both the circuit's Lyric and Fox here, will now manage only the latter house.

Acquires Columbus House

COLUMBUS, O., Sept. 11.—The neighborhood Indianola, built in 1938, and operated by the Indianola Theatre Co. has been leased by Central States, Inc., headed by Virgli A. Jackson, president, and John A. Murphy, treasurer, which now operates the Uptown, Wilmar, Goodale and Olentangy here and the Avon, Cincinnati neighborhood house.

Altec Closes Deal

Altec Service Corp. has closed a deal to service theatres operated by the Evergreen Circuit in Seattle, Bellington, Bremerton, Spokane and Vancouver, Wash., and Portland, Ore.

Building Carolina Theatre

ELLOREE, S. C., Sept. 11.—Dr. J. T. Greene is erecting a new theatre here. It will seat 300.

Improve Greenville House

GREENVILLE, S. C., Sept. 11.—The Ritz is being remodeled at a cost of between $7,000 and $8,000. Improvements include a new front and lobby.

Plan Georgia Theatre

DALTON, Ga., Sept. 11.—A new theatre will be constructed here by Manning & Wink, operators of a circuit in Georgia, Tennessee and Alabama.

Warners Reopen House

ANSONIA, Conn., Sept. 11.—Warners has reopened the 475-seat Tremont Theatre, closed for the Summer, for three day week-end operation. James Landino, student assistant at the Roger Sherman, New Haven, will manage the house.

Plans Columbus Suburbans

COLUMBUS, O., Sept. 11.—C. A. MacDonald, who recently started work on a new 1,000-seat house, to be known as the Boulevard, plans another at suburban Beechwood. MacDonald operates five local neighborhood houses and one in Ada, O.

Redecorate in Cincinnati

CINCINNATI, Sept. 11.—RKO, which has renewed a five-year lease on the 1,500-seat suburban Orpheum will install new seats and redecorate the lobby.

Manages Renton, Wash., House

SEATTLE, Sept. 11.—Frank Jenkins, former manager of the Montlake and Uptown, foreign film theatres here, has been appointed manager of Jensen-VonHerberg's new Rainier in Renton. The house, formerly Fey's Renton theatre, was reopened last week after complete remodeling and renovation.

Repainting in Bridgeport

BRIDGEPORT, Conn., Sept. 11.—Athan Prakas is repainting the lobby, marquee, and front of the 736-seat Rivoli here.

Open California House

LARKSPUR, Cal., Sept. 11.—Recently built by Blumenfeld Theatres, Inc., the Lark here has been opened.

Open Canadian House Sept. 20

TORONTO, Sept. 11.—The opening of Famous Players' one new theatre in the company's wartime construction program, the Seneca at Niagara Falls, Ont., will be held Sept. 20. In charge of the new house will be John V. Ward, a veteran of the circuit who has been manager of the Capitol at Niagara Falls for years.

Leases Fresno Theatre

SAN FRANCISCO, Sept. 11.—H. S. Levin, local thatre man, has leased the White Theatre at Fresno from Harry F. White, and will reopen the house after alterations.

Renames Frisco House

SAN FRANCISCO, Sept. 11.—Joseph Blumenfeld, owner of the downtown Davies, has renamed the house the Esquire. The lobby has been redecorated and a new front sign installed.

Midwest Opening Three

KANSAS CITY, Sept. 11.—Fox Midwest has opened the new Fox at Sedalia, Mo., and soon will open the new DeGraw at Brookfield, Mo., and the remodeled Globe at Christopher, Ill.

Drive-in for Philadelphia

PHILADELPHIA, Sept. 11.—The first drive-in theatre within the city proper will be constructed here next Spring, Phil Smith, head of a drive-in circuit, announcing an open air house.

Remodel California House

TULARE, Cal., Sept. 11.—Tulare Theatre Co. is remodelling the lobby and foyer of the Tulare Theatre.

'Love You' Is Hit in Boston With $37,700

BOSTON, Sept. 11.—"I Love You Again" and "Blondie Has Servant Trouble" scored a total of $37,700 in two houses, $16,700 at Loew's State and $21,000 at Loew's Orpheum. No other theatre exceeded average.

Estimated takings for the week ending Sept. 4:

"Hold That Woman"
"Doomed to Die" (Mono.)
KEITH BOSTON—(3,200) (20c-35c-40c-55c) 7 days; Cotton Club revue, Lucky Millinder's orchestra on stage 5 days. Gross: $5,500. (Average, $8,000)

"Lucky Partners" (RKO)
"Argentine Nights" (Univ.)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: $11,000. (Average, $16,000)

"Rhythm on the River" (Para.)
"Money and the Woman" (W.B.)
METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $10,500. (Average, $15,500)

"Flowing Gold" (W. B.)
"Sing, Dance, Plenty Hot" (Rep.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $5,200. (Average, $7,500)

"Flowing Gold" (W. B.)
"Sing, Dance Plenty Hot" (Rep.)
FENWAY—(1,320) (25c-35c-40c-55c) 7 days. Gross: $3,100. (Average, $4,500)

"They Drive by Night" (W. B.)
"Ladies Must Live" (W. B.)
SCOLLAY—(2,500) (25c-35c-40c-55c) 7 days. Gross: $2,500. (Average, $4,000)

"I Love You Again" (M-G-M)
"Blondie Has Servant Trouble" (Col.)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days. Gross: $16,700. (Average, $12,000)

"I Love You Again" (M-G-M)
"Blondie Has Servant Trouble" (Col.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days. Gross: $21,000. (Average, $17,500)

W.E. Sets Dividend

The board of directors of Western Electric Co. yesterday declared a dividend of 75 cents per share on the common stock, payable Sept. 30 to stockholders of record Sept. 25.

Trammell Still Terms 'Gold' 'Experiment'

With the "Pot o' Gold" $1,000 weekly giveaway program scheduled to celebrate its first birthday on NBC Sept. 26, Niles Trammell, network president, still refers to the idea as an "interesting experiment which we are watching very closely."

Trammell insists that the program is neither a "game of chance" nor a "contest based on chance," both of which are specifically banned under NBC program policies. However, Trammell asserts that a number of similar ideas have been turned down by the network under a general policy to protect a sponsor's program by declining to use other shows which are based on similar patterns to a show already on the air.

"Pot o' Gold," which attained an amazing rating of close to 30 almost as soon as it went on the air, has now slipped down to 10.1 in the latest Crossley report.

Commenting upon reports that NBC would follow the relaxation of its ban against laxatives by also accepting liquor advertising in the near future, Trammell replied with considerable emphasis, "No, period."

In the event employes of NBC are called up for National Guard or conscription service, they will find their jobs waiting for them when they return, Trammell said. A policy of granting National Guard and reserve officers who took annual training courses a full month with pay in addition to the usual two weeks' vacation with pay, which has always been in effect at the network, will be continued for those called up for a year's service, Trammell said, thus giving them six weeks' regular salary in addition to the money received from the Army.

Acquire New Scripts For Robinson Show

Several scripts have been written for the Edward G. Robinson show, "Big Town," under deals completed by Ruthrauff & Ryan, agency handling the CBS show, on the Coast.

Two scripts, "Eyes of the Blind" and "The Ticking of Eternity," have been acquired from Adela Rogers St. Johns, and "Treasure Hunt" from Paul Gallico. Robinson is en route here from the Coast by train.

Sawyer Heads WIZE

Springfield, O., Sept. 11.—Charles Sawyer, former Lieutenant Governor of Ohio, has been elected president of WIZE, new station here, scheduled to go on the air Oct. 15. He succeeds A. Gardner, resigned. Ronald Woodyard, manager of WING, Dayton, is vice-president. Others elected are Edward Merkel, secretary, and R. J. Klemperer, treasurer.

Serving the Albany district—third highest per capita rating in the country. Use

Station WOKO
(CBS outlet)

Off the Antenna

TWO new stations will join Mutual this month to bring the number of affiliates up to a total of 145. WLAV, Grand Rapids, which operates on 1,310 k.c. with 250 watts, full time, will join Sunday, while WJW, Akron, which operates on 1,210 k.c. with 250 watts, full time, will join Sunday, Sept. 22.

• • •

Purely Personal: *Abe Lyman, who conducts the "Jewish Hour" at WBNX, received a hurry call to come to the Kaufman agency after completing his show yesterday. When he arrived he found agency and Procter & Gamble executives with a buffet luncheon to celebrate his eighth year with the program. . . . Joe Bier, announcer, will start his 10th year with WOR Sunday. . . . Arthur Feldman, of the NBC special events staff, left yesterday for Boston to arrange the American Legion convention broadcasts.*

• • •

An unusual radio tribute will be paid by the British Broadcasting Corp. to Mexico Monday when the BBC will broadcast a tribute over short wave on the occasion of the date celebrating Mexico's independence. Mexico broke off diplomatic relationships with Great Britain two years ago.

• • •

Program News: *The largest contract signed by the Yankee network is the new Socony Vacuum sponsorship of newscasts seven days a week at 8 A.M. and 11 P.M. for one year starting Tuesday, Oct. 1. It will be carried by 19 stations. . . . "Answer Man" will add 26 stations over Mutual Sunday bringing the total to 34 stations. . . . Harold Clapp, Inc. will sponsor "Mother of Mine," Mondays through Fridays at 4 P.M. over NBC-Blue beginning Sept. 30. . . . Tom Mix "Straight Shooters" returns to NBC-Blue Sept. 30. It will be heard Mondays through Fridays at 5:45 P.M. under the sponsorship of Ralston-Purina. . . . F. M. Schaefer Brewing Co. has renewed "Schaefer Revue" over WEAF for one year. It will be heard Tuesdays at 7:30 P.M. beginning Sept. 24. . . . Liggett & Myers will sponsor Prof. Quiz over 68 CBS stations on behalf of Velvet tobacco Tuesdays at 9:30 P.M. beginning Oct. 1.*

Baltimore Station Increases Power

Washington, Sept. 11.—A permit to increase its power to 50,000 watts and giving it unlimited time of operation has been granted WBAL, Baltimore, by the Federal Communications Commission, bringing to an end the switching arrangement now in use by which the station operates on 10,000 watts, sharing time on 1,060 kilocycles with WTIC, Hartford, Conn., with simultaneous operation with KTHS, Hot Springs, Ark., on that frequency up to 9 P. M., and with WJZ, New York, on 760 kilocycles with 2,500 watts power up to midnight.

The commission also authorized WTIC, Hartford, Conn., to change its frequency from 1,060 to 1,040 kilocycles and increase time from sharing to unlimited; KRLD, Dallas, to make permanent its use of 1,040 kilocycles with 50,000 watts power, and KALE, Portland, Ore., to increase night power from 1000 to 5,000 watts.

It was announced that Oct. 7 has been assigned tentatively as the date for a joint hearing on the applications of KUJ, Walla Walla, Wash., for change of frequency from 1,370 to 1,390 kilocycles and increase of power from 100 to 1,000 watts; KRLC, Lewiston, Idaho, for change of frequency from 1,390 to 1,370 kilocycles, and the contesting applications of Broadcasting Corp. of America for a 1,390 kilocycle, 1,000-watt station; Mollin Investment Co. for a 1,390-kilocycle, 500-watt day station, and Riverside Broadcasting Co. for a 1,420-kilocycle, 250-watt station at Riverside, Cal.

Move Don Lee Studio

Hollywood, Sept. 11.—The Don Lee television station, W6XAO, will be closed for 90 days, beginning next Sunday, while the equipment is moved to the new studio on Mt. Lee.

Air Features Formed

Dover, Del., Sept. 11.—Air Features has been formed here to deal in radio broadcasting with a capital of 100 shares, no par value. The incorporators are Alfred Jervis, L. H. Herman, and Howard K. Webb of Wilmington.

Academy Library Board Appointed

Hollywood, Sept. 11.—An advisory board to guide the policy of the library of the Academy of Motion Picture Arts and Sciences has been appointed. An appeal for historical and other material on the film industry has been made.

The board consists of Althea Warren, librarian of Los Angeles city public libraries; Helen Vogleson, Los Angeles County Library; Mrs. Bess Yates, Glendale librarian; Gladys Percy, Paramount studio research department; Frances Richardson, 20th Century-Fox research department; Robert Bruce, M-G-M studio research department; Mrs. Elizabeth McGaffey, RKO research department, and Dr. Herman Lissauer, Warners research department. Mrs. Donald Gledhill is Academy librarian.

The Academy library, which ranks among the four most complete specialized collections on the industry in America, now contains approximately 1,969 books, including selected scripts; 628 bound volumes of trade magazines; 7,000 unbound issues of magazines and trade papers; 2,000 issues of foreign magazines, and some 15,000 pamphlets and clipping folders.

Cincinnati Club Resumes

Cincinnati, Sept. 11.—The Cincinnati Cinema Club, a social organization of film salesmen, which disbanded for the Summer, will resume monthly meetings at the Variety Club quarters late this month. Rudolph Knoepfle, Republic, is president, John M. Allen, M-G-M, vice-president, and Peter Niland, Columbia, secretary and treasurer.

Like all Great Pictures
ANGELS OVER BROADWAY
HAS A GREAT STORY BEHIND IT! . . . . .
A COLUMBIA PICTURE

BEERY BOOMS TOO!

"WYOMING" PREMIERE TERRIFIC!

420%

of normal business!

SURE it's a World Premiere at Cheyenne!
BUT it's got to be one honey of a show
TO do in *one* day
WHAT "Northwest Passage" and "Babes in Arms"
DID in *three* days!
HERE'S another booming M-G-M hit!

"WYOMING"

"WYOMING" starring WALLACE BEERY with Leo Carrillo, Ann Rutherford, Lee Bowman, Paul Kelly, Joseph Calleia, Marjorie Main Screen Play by Jack Jevne and Hugo Butler Directed by Richard Thorpe • Produced by Milton Bren • A Metro-Goldwyn-Mayer Picture

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PI
DAILY

Accurate
and
Impartial

M.P.P.D.A. OF AMERICA,
28 WEST 44TH ST.,
NEW YORK,
N. Y.

VOL. 48. NO. 53 NEW YORK, U. S. A., FRIDAY, SEPTEMBER 13, 1940 TEN CENTS

AFRA Accepts Mediation on Sustainer Pay

Davis Named Mediator; Meeting on Monday

A threatened strike by the American Federation of Radio Artists against the radio networks and stations in New York, Los Angeles, Chicago and San Francisco was averted last night when the A.F.R.A. board made known its decision to accept mediation by William Davis, chairman of the New York State Labor Mediation Board. The mediation meeting is set for Monday at 2 P. M.

More than 400 members of the New York local at the Hotel Edison last night voted overwhelmingly for support of the board's action. The dispute concerned the wages of performers on sustaining shows only as the contract on commercially sponsored programs does not expire until Feb. 12, 1941. A.F.R.A. sought to bring the pay for sustainers closer to that for sponsored shows.

Several meetings between the broadcasters and the union were held earlier this week in a last minute effort to reach an agreement but the question of rehearsal pay could not be settled. The decision to mediate came somewhat as a surprise as A.F.R.A. officials had let it be known before the session that a strike vote would be sought. Further meetings will be held tonight in Chicago, Los Angeles and San Francisco but it is expected that these locals will support mediation.

Mexican Court's Censor Reversal Marks Precedent

MEXICO CITY, Sept. 12.—A precedent, established by the national Supreme Court with regard to film-censor bans, is considered likely to open the way to producers and distributors, including Americans, who had thumbs turned down on their products in Mexico.

The high court has just approved limited exhibitions of the French picture, "Arlette and Her Papas," which on June 12, 1939, was banned as indecent by both the censors and the local Municipal Government on the eve of its widely and expensively advertised debut here.

Distributor Jorge M. Dada decided to appeal to the courts against the ban. The lower tribunals sustained the censors and the civic fathers' opinion that the film is "unfit for any kind of exhibition" as it is "'an outright apology for adultery."

Dada carried the case to the Supreme Court, an unheard of procedure in such cases in this country. The court after a special screening of the film decided that it is suitable for adult audience only and gave permission for such showings.

Arnold to Be Named S A G Head Sunday

HOLLYWOOD, Sept. 12.—The annual meeting Sunday of Class A members of the Screen Actors Guild will see the election without opposition of Edward Arnold as president to succeed Ralph Morgan, who has served two terms. Reports of various officers will be given.

Aarons in Walker's Post with M.P.T.O.A.

George P. Aarons of Philadelphia, associate counsel for the M.P.T.O.A., will act as general counsel for the organization following the resignation of Frank C. Walker from the post upon assuming his office as Postmaster General. Aarons will fill the post until the next annual election of M.P.T.O.A. officers, which will probably be held next January.

Para. to Seek High Scales on 'Mounted'

KANSAS CITY, Sept. 12.—Paramount will ask exhibitors to raise admission prices for Cecil B. DeMille's "Northwest Mounted Police," it was decided here today following a conference of the company's top executives and district and division sales managers at the Muelbach Hotel.

Neil F. Agnew, vice-president and distribution head, said the picture would be given pre-release engagements following the world premiere, Oct. 21, and that it would be generally released Thanksgiving Week. He said that $150,000 would be allocated to the campaign on the picture and that the company's exploitation force would be coordinated to work on all major engagements for the picture.

Agnew also said that "The World in Flames," a documentary on events leading up to and including the European war, would be released by Paramount in October.

Study Decree Possibility in Other Actions

Conferences Initiated by Company Defendants

Conferences of an explanatory nature to determine whether a consent decree settlement of the Buffalo, Nashville and Oklahoma City Federal anti-trust suits is possible are being held, it was learned on good authority yesterday.

The conferences have been initiated by distributor defendants in the three actions with the Schine, Crescent and Griffith circuits. No definite results have been attained yet but the talks will be continued, according to present plans.

Government representatives here said they were not aware of the discussions but added that if there was to be any consent decree settlement of the regional suits, the defendants would have to take the initiative in the matter. The Department of Justice, they said, could not make the first move for the decree.

It is understood that the conferences were initiated by the distributor defendants despite the fact that they will be eleminated as party defendants in the action, in any event, if the pending consent decree in the New York suit is adopted. In this event, however, they still would be involved in the regional suits if these came to trial, since the Government could not prosecute its cases against

(*Continued on page* 4)

Coast Flashes

HOLLYWOOD, Sept. 12.—Republic, today, made a clean sweep of the "Higgins Family" series cast by replacing James Lucile, Russell Gleason, Maude Eburne and Harry Davenport, with Roscoe Karns, Ruth Donnelly, George Ernest, Polly Moran and Spencer Charters, respectively. The only member of the original cast to stay is Lois Ransom. Mal St. Clair will direct.

•

Paramount has borrowed Henry Fonda from 20th Century-Fox for co-starring role with Paulette Goddard in "Lady Eve."

•

Franklyn Warner, president of Fine Arts, renewed his lease on the Educational Studio. He leaves for New York for a five-week trip and expects to resume production upon his return.

Para. Studio Gets Mobile Television Unit of DuMont

A mobile television pickup unit has been ordered by Paramount from the Allen B. DuMont Laboratories, which is affiliated with Paramount, for use at the studios in Hollywood. The unit was ordered by Television Productions, a Paramount subsidiary.

Paramount thus becomes the first film company to adopt a suggestion made by James L. Fly, Federal Communications Commission chairman, recently that film companies should experiment with the production of live talent television shows in their studios. Fly pointed out that the wide assortment of sets, the adequate space facilities, and, most important, the superior lighting equipment, made motion picture studios the logical place for the more elaborate television productions

The mobile unit which was ordered is in addition to the regular television transmitter which is to be operated in Los Angeles by Television Productions. A special wire hookup will be installed at the studio. One of the possible uses of the unit, it was said, was that an executive could follow the progress of production on a set from the confines of his own office. Details of the projected use of the unit were not revealed otherwise.

Paramount is interested in four projected television stations. They are the DuMont stations in New York and Washington, Balaban & Katz in Chicago, and the Television Productions station in Los Angeles.

'Fantasia' to Open Here About Nov. 14

Walt Disney's "Fantasia" will open here about Nov. 14 on a two-a-day, advanced scale policy. The theatre will be selected during the next few days by Roy Disney, who is here from the Coast for that purpose.

Openings in six to 10 other key cities will be arranged for about the same date. The Disney organization will handle the theatre arrangements directly, with no general release or distribution of the picture planned at this time. New sound equipment for the symphonic film will be installed in each of the theatres selected and at the expiration of the initial runs the equipment will be transferred to theatres in other cities where later openings will be arranged.

Final touches are now being put on the picture at the Disney studio.

Metro's Offices in London Hit by Bomb

Hollywood, Sept. 12. — M-G-M's London headquarters at 19 Tower St. were severely damaged in an air raid yesterday, according to advices received by studio officials. Most of the staff of that office had been transferred to Rickmansworth some time ago because of the anticipated raids, it was said, and there were no casualties reported.

Schaefer to Phone Argentine Meeting

George J. Schaefer, president of RKO, today via radio telephone will address the RKO Argentine sales convention at its opening session at the Alvear Palace Hotel in Buenos Aires. Phil Reisman, vice-president in charge of foreign distribution, and Ben Cammack, Argentine manager, are presiding at the meeting.

Schaefer's address will incorporate a message of goodwill from the American branches of the company, and will point to the company's effort to build up a better relationship with the Latin American countries, with the production of films of special interest to South American audiences.

A loud speaker in the convention room of the Buenos Aires hotel will bring Schaefer's voice to the delegates at 5 P. M., New York time.

Wanger Is Club Guest

BALTIMORE, Sept. 12.—Walter Wanger yesterday was at the Variety Club as honor guest at luncheon. A turnout of the city's theatrical men included Louis Rome of the Rome Theatres; Bernard Seimon of the Hippodrome; William K. Saxton, city manager for Loew's; Mark Silver, Leonard McLaughlin, Lawrence Shanberger, Eddie Sherwood, Howard Burman, Morton Baker and newspaper men.

Einfeld Due in Week

S. Charles Einfeld, head of advertising and publicity for Warners, is expected here early next week to work on campaign plans for "City for Conquest."

Lindy's
INC.
RESTAURANTS

1626 BROADWAY 1655
(Next to the Rivoli Theatre) (51st Street Corner)

For over 20 years the luncheon and dinner place for Motion Picture People

Sole agents in New York
for FAMOUS
BLUM'S ALMONDETTES
from
San Francisco, California

Personal Mention

W. G. VAN SCHMUS, managing director of the Radio City Music Hall, who was operated on recently, paid a visit to the theatre yesterday, his first in many weeks.

•

EDWARD P. CURTIS of Eastman Kodak Co., Rochester, is back at his post after a vacation.

•

IRVING BERLIN, CHARLES STERN, ARTHUR GOTTLIEB, J. J. MILSTEIN, JOSEPH MOSKOWITZ, JOSEPH PINKUS and AL YOUNG lunching at Lindy's (51st St.) yesterday.

•

MAX WEISFELDT, SEYMOUR POE and EDDIE DUCHIN at Lindy's (next to the Rivoli) yesterday for lunch.

•

ROBERT WOLFF, ARTHUR MAYER, WILLIAM ORR, GEORGE SKOURAS, MAURICE BERGMAN and ED SAUNDERS lunching at Nick's Hunting Room in the Astor yesterday.

•

ROBERT WEITMAN, MONROE GREENTHAL, JOHN GOLDEN, JACK KIRKLAND, TOBY GRUEN, LIONEL STANDER, ARTHUR KRIM, CHARLES SONIN, JOHN D. HERTZ, JR., SIDNEY KINGSLEY and BOBBY CRAWFORD at Sardi's for lunch yesterday.

ARTHUR W. KELLY, head of United Artists' foreign activities, arrives today from the Coast.

•

JOSEPH NOLAN, vice-president of RKO in charge of studio operations, is in town for home office conferences.

•

WILLIAM CADORET, Rochester circuit operator, is visiting here.

•

ELEANOR HENEBRY has been added to the booking staff of the Paramount exchange, New Haven.

•

ROBERT SCHWARTZ, operator of the Park Playhouse, Thomaston, Conn., will marry CYNTHIA STAH of Waterbury this month.

•

J. ALMILLATEGUI, president of the Panagricola Co., Panama, here on a motion picture assignment for the Government, is ill with the flu.

•

THOMAS LOACH, BEN JENNINGS, WILLIAM FITELSON, ARTHUR LEE, AL MARGOLIES, JEFFREY BERNERD and SAM SPRING at the Tavern yesterday for lunch.

Equity, League Set On Union Contract

Agreement on all major points was reached at a conference between Actors Equity and the League of New York Theatres yesterday for the extention of the union contract. Principal subjects under discussion were the raise of minimum wage for performers from $40 to $50 weekly and the provision for Sunday shows at the regular scale instead of double pay.

The governing board of the Leauge will meet Monday to pass on the $50 minimum but approval is expected in view of the fact that the committee has already agreed upon it. The Sunday show provision will have to await the outcome of the membership meeting of Equity which will be held Sept. 27. If the membership approves, a referendum will be sent out with notation that the Equity council urges the passage of Sunday shows on an experimental basis until June 1 next. Sunday shows are not likely to become a reality until November.

With agreement on the principal points, Milton R. Weinberger, League counsel, and Paul N. Turner, Equity attorney, will meet to draft the formal contract. Several technical changes will be necessary because loopholes have been discovered since the inception of the contract but such changes will be minor in character.

Present at yesterday's meeting were Weinberger, Turner, Paul Dullzell, executive secretary, Walter N. Greaza and Alfred Harding, representing Equity, and James R. Reilly, executive secretary, Marcus Heiman, president, and Lee Schubert, representing the League.

M.P.P.D.A. Meeting Set for Wednesday

Quarterly meeting of the M.P.P.D.A. board of directors will be held next Wednesday instead of Tuesday as previously scheduled. Will H. Hays will arrive from the Coast today.

Sunny Skies Favor Warner Golf Meet

PURCHASE, N. Y., Sept. 12.—Favored by sunny skies and cool winds, more than 125 Warner employes and their guests took part in the annual Warner golf tournament at the Old Oaks Country Club, and attended a dinner at which Carl Leserman, assistant sales manager, acted as master of ceremonies and presented about 50 prizes.

Abe Kronenberg won with the lowest gross of the day while Leonard Palumbo and Herman Starr were in the runner-up positions. Jerry Keyser drew the prize for low net in Class A; Joe Goldstein for Class B; and Ed Schnitzer for Class C.

K. Gannon won the driving contest, Stewart MacDonald, the putting contest and Harold Rodner came nearest to the pin. Joe Newman got the duffer's prize as consolation for being worst.

Para. Sued Over Song

Suit for an injunction and $100,000 damages was filed yesterday in the U. S. District Court by Eduardo Fanchez de Fuentes against Paramount Pictures, charging the defendant with unauthorizedly using the plaintiff's song "Por Tus Ojos" in the Spanish speaking film "Quando Canta La Ley." According to the complaint, Tito Guizar sings the song during the picture.

Reserve 'Young' Verdict

Federal Judge Samuel Mandelbaum yesterday reserved decision on the plea of Eleanor Harris for a temporary injunction to restrain 20th Century-Fox Film Corp. from exhibiting its film "Brigham Young." The plaintiff claims that she had worked upon the script and had not been given screen credit for her work. She seeks an injunction unless credit is given to her for scenario work.

Newsreel Parade

PRESIDENT ROOSEVELT'S speech before the teamsters' union in Washington, opening the third term campaign, is an important feature in the newsreels. The clip was post-released for inclusion in the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 2—Roosevelt addresses teamsters' union. Air raids in China. College fashions. "Great Profile" premiere. Tennis at Forest Hills. College football teams in training. Lew Lehr. King George, Queen Elizabeth, King Haakon and Prince Bernhard in England.

NEWS OF THE DAY, No. 304—Roosevelt renews anti-war pledge. Royal exiles in England. Air battle in China. Hog calling in California. Diaper derby in Washington. Notre Dame grid stars in action. Tennis at Forest Hills.

PARAMOUNT NEWS, No. 5—Rifle matches in Ohio. Maine elections. English children at school here. Survivors of torpedoed ship in England. Historic landmarks bombed in England. Knudsen and General Arnold end tour of airplane factories. Tennis at Forest Hills. Football. Roosevelt opens campaign.

RKO PATHE NEWS, No. 5—Roosevelt speaks in Washington. Knudsen and Arnold at Baltimore airplane factory. Japanese close trade routes in China. Army trains rifle instructors. Survivors of boat torpedoed at sea. Air crash in Australia. Tennis at Forest Hills.

UNIVERSAL NEWSREEL, No. 910—Roosevelt at labor convention. Knudsen at Baltimore and Buffalo plane plants. New wood planes at Forth Worth. Congress speeds conscription. Football. Motorcycle stunt riding. Salmon fishing derby. Tennis at Forest Hills.

Three New Films Holding on B'way

Three new films established themselves in Broadway first runs during the past week and will be held over. Continued fair but cool weather aided grosses, although matinee trade fell off sharply as children returned to their classrooms on Monday.

"Boom Town" played at capacity throughout the entire week and rang up an estimated $63,000. At the Music Hall, "Lucky Partners" with a stage show grossed an estimated $88,000. "No Time for Comedy" with Larry Clinton's band on the stage was good for an estimated $47,000 at the Strand. All are held over.

At the Roxy, "He Stayed for Breakfast" with a stage show drew an estimated $38,000. "Hired Wife" goes into the Roxy this morning.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice-President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4, Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." **All contents coprighted 1940 by Quigley Publishing Company, Inc.** **Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.**

"I WANT A DIVORCE"

"Bound to satisfy!" Boxoffice

"Highly entertaining!" *Daily Variety*

"Comedy is spontaneous and effervescing, providing plenty of good humor!" —*Variety*

"The familiar trade-mark, '*If It's a Paramount Picture, It's the Best Show in Town,*' can swing right jauntily over any theatre playing 'I Want a Divorce.' Something to satisfy every type of entertainment appetite. Top performances by Dick Powell, Joan Blondell and a fine supporting cast. Coming on the heels of 'Rhythm on the River,' this gives Paramount two smash attractions to start off its 1940-41 release year. It appears that Paramount again is going to be a company to be looked to for better entertainment!"

—*Hollywood Reporter*

JOAN BLONDELL
DICK POWELL
in
"I WANT A DIVORCE"
with
Gloria Dickson • Frank Fay
Jessie Ralph • Conrad Nagel
Screen Play by Frank Butler • Based on a
Story by Adela Rogers St. Johns
Directed by RALPH MURPHY

"I WANT A DIVORCE"

"Human, down-to-earth, and often tremendously hilarious. Splendid entertainment!"
—*Jimmy Starr, L. A. Herald Express*

"Many a solid laugh. An exploitation picture in the best sense of the word!" —*M. P. Daily*

Study Decree Possibility in Other Actions

(*Continued from page* 1)

the three circuits without naming the five leading distributors as co-conspirators.

Unforseen detail work is delaying completion of the first legal draft of the proposed New York consent decree and indications now are that it will not be completed before the middle of next week, Government attorneys stated following another meeting of the drafting committee in the offices of Donovan, Newton, Leisure & Lumbard yesterday. The committee will meet again this morning and will continue its sessions next week until the draft is completed.

The defendants' arbitration committee and Government attorneys will meet this afternoon at the American Arbitration Association headquarters to continue discussions of the arbitration provisions for the proposed decree.

Jackson Says No Final Conclusion Yet Reached

WASHINGTON, Sept. 12.—Suggesting the possibility that the pending consent decree in the Government's New York anti-trust suit may yet undergo changes, Attorney General Robert H. Jackson today said that so far as he knew no final conclusion has been reached on the decree negotiations and no final recommendations have been drafted by the anti-trust division.

The Attorney General said that the decree proposals which have been made are being given his consideration but that nothing definite has yet been presented for his decision.

Commenting on reports that Assistant Attorney General Thurman Arnold was not "overly optimistic" about the present decree proposals, the Attorney General said he "assumed" Arnold felt there was some probability of a decree being worked out or the negotiations would not be continued.

Replying to questions as to what disposition would be made of issues not covered in the decree, Mr. Jackson pointed out that the decree does not conclude the suit but merely suspends it. If the provisions of the decree do not influence other issues, he indicated, the Department would reopen the case for their correction and will have the three-year period of the decree in which to do so.

He declined to comment on the Federal grand jury investigation of Ascap and on reported investigations of film labor unions on the grounds that those matters had not been called to his attention by the anti-trust division.

Harris Insurance Firm

PITTSBURGH, Sept. 12.—General Manager John H. Harris of the Harris Amusement Co. and his uncle, former Senator Frank J. Harris, have applied for a Pennsylvania charter to incorporate a new insurance company dealing in general insurance except life. The application proposes a corporation of 100 shares of common stock, par value $50. Mrs. Anna Harris Dunham, aunt of the exhibitor, is the third of three incorporators.

Critics' Quotes . . .

"LUCKY PARTNERS" (RKO)

The interest is dragged along, willy nilly, on each successive escapade.—*Baltimore Evening Sun.*

An improbable but merry and amusing farce . . . it has an air of distinction, despite certain slapstick interludes and far-fetched situations.—*Baltimore Morning Sun.*

Handsomely mounted, and Director Milestone has used his camera with imagination, relying on pantomime to carry many of the scenes and using dialogue sparingly. It isn't a comic knockout, but you'll be entertained.—*Garrett D. Byrnes, Providence Journal.*

Over-adaption of a Sacha Guitry play, lack of brevity . . . has a certain amount of suspense and several funny situations.—*Chicago Tribune.*

Bordering often on farce, the comedy is kept believable, and tricky situations are resolved without too much strain of the probabilities. All is kept romantically pleasant.—*C. J. Bulliet, Chicago Daily News.*

A knockout of a picture.—*Chicago Herald American.*

Light, whimsical and thoroughly entertaining . . . a lucky break for the public.—*Boston Globe.*

"THE SEA HAWK" (Warners)

A whale of a yarn, and Warner Brothers took the rubber band off the bank roll to pay for it.—*Baltimore News.*

A film in which action dominates the narrative in highly spectacular fashion, and as a tall tale of rousing adventure afloat and ashore during the sixteenth century, it is to be recommended with fewer reservations than usual.—*Gilbert Kanour, Baltimore Evening Sun.*

A screen epic of some consequence, staged with magnificence and bound to please those who like adventure at sea.—*Donald Kirkley, Baltimore Morning Sun.*

Adventure as you like it, fast-paced action in spectacular settings, has been fashioned in "The Sea Hawk" . . . absorbs your interest.—*Boston Post.*

One of the biggest thrills on the screen today . . . rip-roaring entertainment —something to stir the coldest blood.—*Don Ward, Boston Evening American.*

Under the energetic direction of Michael Curtiz, the screen is filled with one thrilling spectacle after another.—*Helen Eager, Boston Traveler.*

A big, expensive, thickly populated film, and Director Michael Curtiz has kept things moving at the pace called for by the horse opera tradition.—*John E. Hutchens, Boston Transcript.*

When the picture shows sea battles and below-deck action it is magnificent, but the court scenes seem a little tedious . . . spectacular, robust and expensive production.—*Boston Globe.*

"HIRED WIFE" (Universal)

So sustained was the laughter at several points that it drowned out dialogue, but the film could afford it for it had many funny lines to spare. . . . If you don't laugh at "Hired Wife," your sense of humor is out of commission.—*Harriet Parsons, Los Angeles Examiner.*

May be set down as a potential hit upon its release. . . . Women especially will be regaled by "Hired Wife."—*Philip K. Scheuer, Los Angeles Times.*

Only purpose is to win the elusive laugh—and that it does quite handily. It is capitally amusing and we recommend it to you for a jolly hour.—*Norman Clark, Baltimore News Post.*

100% AFL Drive Begun at Studios

HOLLYWOOD, Sept. 12.—A drive to "see the title sheets of every Hollywood-made picture carry the credit line 'made 100 per cent by A. F. of L. workers'" was started today at a meeting of the business representatives of American Federation of Labor locals in Hollywood.

Aubrey Blair, recently appointed A.F.L. organizer, formally opened the drive. "Our aim is to see that all A.F.L. workers work and come in contact with only A.F.L. workers in every department in every studio," he said. Blair asserted that independent groups should join the A.F.L. and pay their proper share of the cost to maintain high working standards.

With Frank Carothers, secretary of the M.P. Internationals studio basic labor agreement presiding, Nathan Saper, secretary-treasurer of the Transportation Drivers Local 399, introduced Blair with the statement that the plan to induct approximately 10,000 workers into the A.F.L. fold had the personal approval of William Green, A.F.L. president.

Congress Hears Red Equity Attack

WASHINGTON, Sept. 12.—Rep. William P. Lambertson today renewed his charges of Communistic activities in Actors Equity and filled 12 columns in the *Congressional Record* with correspondence on the subject.

Expressing disappointment that the feeling in Congress which prevented the lifting of the ban against the W.P.A. Federal Theatre Project had not inspired a thorough house cleaning by a "concerted effort of all members of the profession," Lambertson disclosed that he had found it impossible to secure from Paul Dullzell, Equity executive secretary, any satisfactory response to his suggestion that the matter be brought to the attention of the full membership in order that appropriate action might be taken.

Lambertson included correspondence with Bert Lytell, Equity president, and other members and also an article from the *Daily Worker* attacking him, which, he said, adequately demonstrated the truth of his charges.

Commonwealth Has 15-Week Drive Meet

KANSAS CITY, Sept. 12.—Managers of Commonwealth Amusement Corp. theatres met here yesterday and today to go over thoroughly a detailed plan for operating in the 15 weeks from Sept. 15 to Dec. 28. Each theatre has been set a quota for the period and will earn an extra week's salary for the manager and staff by going over, according to C. A. Schultz, head of the organization.

The thirty-five theatres in the organization, it was announced at the convention, have been divided into three divisions: Western, including all theatres in Kansas with the exception of Lawrence, under M. B. Smith, supervisor, Garden City, Kan.; Eastern, all theatres in Missouri and Iowa except Columbia, Mo., under Robert Shelton, supervisor, Warrensburg, Mo., and Central, which includes Columbia, Mo., Lawrence, Kan., and theatres in Arkansas under supervision of the home office.

Managers took up in detail such subjects as advertising, theatre fronts, supplies, product, and particularly special weeks during the 15-week Fall campaign. The drive is pinned to 25 of the best pictures of the 15-week period.

John Tarr, Jr., manager at Goodland, Kan., won first place in Commonwealth's "King of the Sun" Summer contest, which closed late in August. Over 20 other managers won some form of prize for performance during the period.

Others attending the convention from the home office were O. K. Mason, Leland Allen, Walter Kirkham, Lawrenece Parret and Richard Orear.

New Screen Offered By RCA Photophone

The Photophone Division of the RCA Manufacturing Co. plans to market a complete line of sound motion picture screens through independent theatre supply dealers throughout the country, according to Edward C. Cahill, RCA Photophone manager.

Cahill at the same time reported the introduction of new type of "Magic Screen," which, it is claimed, provides greater reflective properties and better sound transmission. The new screen is said to be composed of a new kind of surface material, which is less susceptible to the chemical changes which usually cause yellowing and other discoloration.

Chicago Censor Ban On 'Hall' Reversed

CHICAGO, Sept. 12.—Mayor Kelly today ordered Police Comissioner James Allman to reverse the censors' ruling which banned "Pastor Hall" and a permit to show the picture may be issued tomorrow.

Civic groups here have indicated that they will take the fight to the next City Council meeting in an effort to have rules governing the operation of the censorship board either amended or revoked and a substitute enacted which would permit a more liberal interpretation on allegedly controversial films. At present the board is under the civil service and therefore not as responsive to the mayor's wishes as would be an appointive body.

Showmanship Flashes . . .

Republic Promotion on Autry Rodeo Appearance

Republic has inaugurated a promotion in connection with the personal appearance of the cowboy star, Gene Autry, with the World's Championship Rodeo at Madison Square Garden, Oct. 9 to 27.

In this promotion all theatres in the New York exchange area playing Autry attractions within the designated weeks, will be allowed to sponsor a contest for boy and girl winners, who will meet the cowboy star, have lunch with him, get his personally autographed photo, and see the Rodeo as his guest from the official Gene Autry section.

News Teletype in Lobby Aids 'Correspondent' Run

New Haven, Sept. 12.—In advance and during the first few days of the run of "Foreign Correspondent" the Loew-Poli lobby displayed a UP teletype machine in operation and WELI broadcast its regular 12 daily newscasts from a desk nearby, with Bill Dukeshire at the microphone. The bulletins were tacked on a large bulletin board immediately after they came over. For two days a bannered sound truck on "Foreign Correspondent" did the town, stopping at shops and busy spots to give news and announcements.

Fencing Matches Used To Plug 'Sea Hawk'

PITTSBURGH, Sept. 12.—For the run of "The Sea Hawk" at the Stanley here, Joseph Feldman, advertising manager of local Warner houses, and James Totman, assistant, tied in with the Pittsburgh County Fair to arrange "Sea Hawk" fencing matches each night. An Errol Flynn "Sea Hawk" cup was awarded the winner of each night's competition. A public address system was used to plug the film.

Promotes Anniversary Of Telenews Theatre

SAN FRANCISCO, Sept. 12.—An outstanding local promotion was Manager Ellis Levy's first anniversary celebration for the Telenews Theatre. The ballyhoo listed 115 special radio shows, including 98 five-minute newscasts from the lobby during anniversary week; 25,000 announcements attached to sandwiches in the city's restaurants; four-page supplement to Sunday *Chronicle*, with 190,000 circulation; 25,000 cards to a special mailing list; kleig lights; decorative cards for light standards on both sides of the street in an entire block; gardenias for each woman patron all week and a party for the press and radio.

Newspaper Contest Is Used on 'Pride'

LACROSSE, WIS., Sept. 12.—A newspaper contest, in which readers were asked to identify the stars of the film, was one of the features of the "Pride and Prejudice" campaign put over by William Freise, manager of the Rivoli here. Freise also arranged for the use of a number of names in the classified columns, with tickets to subscribers whose names were used.

Feature Reviews

"City for Conquest"

(Warners)

HOLLYWOOD, Sept. 12.—Warners play a compelling symphony of emotions in "City for Conquest," a story of New York's East Side starring James Cagney and Ann Sheridan. The filmization of the Aben Kandel novel of the boy who becomes a boxer only to be blinded in the title fight and the girl who seeks a dancing career to lift her out of the slums is an excellent vehicle for the pair, who are supported by an extremely capable cast, with Frank Craven, Donald Crisp, Frank McHugh, Arthur Kennedy, Elia Kazan, George Tobias, Anthony Quinn, Lee Patrick and others.

The screen play by John Wexley packs as many wallops as Cagney throws fists. The direction by Anatole Litvak maintains a fast pace, relaxing at proper intervals to permit development of moods.

William Cagney, James's business manager, makes an auspicious debut as a film producer herewith, acting as associate under the supervision of Executive Producer Hal. B. Wallis.

The marriage plans of Cagney and Miss Sheridan are thwarted by her ambition to become a dancer. She travels with her partner, Quinn, on lengthy tours, finally reaching the top night club circuit. Meanwhile Cagney, hurt because of the failure of his romance, which started when they were youngsters on the East Side, enters the ring, first to get money for his brother's music education, and then to further his ambition. In the title fight, his opponents smears rosin into his eyes, blinding him.

His sight impaired, perhaps permanently, Cagney becomes a newsboy again, while his brother, now a composer, conducts his "Symphony of New York" at Carnegie Hall. The picture fades out with a reconciliation between the boy and the girl.

The trouping done by the entire cast is excellent, outstanding among the supporting players being Elia Kazan as the youth who turns gangster and dies at pistol point.

The fight technicalities are handled extremely well and the picture is a triumph of acting, directing, production and musical setting.

Running time, 103 minutes. "G."* VANCE KING

"Up in the Air"

(Monogram)

HOLLYWOOD, Sept. 12.—This item in the Frankie Darro series of murder mysteries is easily best of his pictures to date. Setting of the story is Hollywood and principal scene of events, inclusive of two murders, is the studio of a broadcasting network (called Amalgamated but modeled directly enough after either NBC's or CBS's local setup to satisfy the customers that they're seeing how it's done). The players are cast as employees of the studio, performers, directors, producers, staff, and the causes and effects employed in the story are typical of the field in which they are placed. Three musical numbers are performed in the course of the action, naturally and without impeding progress, adding to the effectiveness of the whole.

Mantan Moreland, again playing porter-buddy of the aggressive Darro, seen here as page-boy, amateur detective and, in a particularly telling sequence, as blackface comedian, strengthens his hold on a growing popularity. Marjorie Reynolds is the girl in the case, Lorna Wilson and Gordon Jones the two who die, Tristram Coffee, Clyde Dilson, Dike Elliott and Carleton Young among the others participating. Identity of the killer is well concealed until the finale.

Produced by Lindsley Parsons at somewhat more than the usual expense and directed by Howard Bretherton with a nice sense of timing, the screen play is an original by Ed Kelso. Musical direction is by Edward Kay.

Running time, 61 minutes. "G."* ROSCOE WILLIAMS

"Under Texas Skies"

(Republic)

With Robert Livingston and Bob Steele already established as capable Western stars, and Rufe Davis a familiar figure to all audiences, the trio, in this first venture as "The Three Mesquiteers," undoubtedly should satisfy the outdoor action fans. The film is the first of a series in which the three will be featured.

Livingston is the hero here as he, with the aid of Steele, Davis and a group of cattle ranchers, brings to justice a gang of outlaws. In support are Lois Ranson, Henry Brandon, Wade Boteler, Rex Lease, Jack Ingram and others.

Harry Grey acted as associate producer, while George Sherman directed. An original story by Anthony Coldewey was adapted by Coldewey and Betty Burbridge.

Running time, 57 minutes. "G."*

Answers Tomorrow In Nashville Case

Final answers of defendants in the Government's Nashville anti-trust suit will be filed in Federal court tomorrow, thus completing the process of answering the Government's complaints in the three regional anti-trust suits and making possible the setting of trial dates.

In the Oklahoma City case, defendants have been given two additional weeks, until Oct. 1, to file answers to the Government's interrogatories or to make objections to them. The Buffalo case has been marking time since defendants filed answers to the Federal complaint there several weeks ago.

'Hawk' Pittsburgh Leader at $24,000

PITTSBURGH, Sept. 12.—"The Sea Hawk" brought the Stanley the top gross since the straight pictures policy was begun, with $24,000, and "Rhythm on the River" drew $15,000 at Loew's Penn. "I Love You Again" took $9,500 in the third week at the Warner.

Estimated takings for the week ending Sept. 5:

"Return of Frank James" (20th-Fox)
ALVIN—(1,800) (28c-39c-55c) 7 days. Gross: $10,700. (Average, $7,000)
"Boys From Syracuse" (Univ.)
FULTON—(1,700) (25c-44c) 7 days, 2nd week. Gross: $2,600. (Average, $4,500)
"Rhythm on the River" (Para.)
LOEW'S PENN—(3,400) (28c-39c-55c). Gross: $15,000. (Average, $13,000)
"Lucky Partners" (RKO)
RITZ—(800) (28c-39c-55c) 7 days, 2nd week. Gross: $3,000. (Average, $4,000)
"The Sea Hawk" (W. B.)
STANLEY—(3,600) (44c-55c) 7 days. Gross: $24,000. (Average, $13,000)
'I Love You Again" (M-G-M)
WARNER—(2,000) (28c-39c-55c) 7 days, 3rd week. Gross: $9,500. (Average, $5,000)

Alleges Payment to Nick During Trial

ST. LOUIS, Sept. 12.—Walter A. Thimmig, owner of the McNair Theatre, took the stand today in the Federal Government's trial of John P. Nick and Clyde A. Weston on charges of racketeering and violating the Sherman Anti-Trust Act.

Thimmig recited details of an alleged $6,500 payment to the defendants to forestall a wage increase demand when the two were controlling the film operators union here.

Thimmig said that during the course of negotiations in 1937, Weston remarked that for $10,000 he would "get us a satisfactory contract."

Fred Wehrenberg, head of the M.P.T.O. here and owner of a string of neighborhood theatres, related that Thimmig had collected the money for the 1937 payment.

Conn. MPTO to Talk On Terms of Decree

NEW HAVEN, Sept. 12.—The Connecticut M. P. T. O. will meet Sept. 23 at Ceriani's Cafe Mellone, for a discussion of the block-of-five selling plan outlined under the consent decree, and other industry matters.

Herman Levy, executive director, will report results of his survey of Connecticut exhibitors as to their opinion on lowering of admission tax basis.

**"G" denotes general classification.*

Surprise

TORONTO, Sept. 12.—When three British Empire actors from Hollywood enlisted in the Royal Canadian Air Force here they encountered a surprise in the person of a former assistant director of Hollywood, Flying Officer Sterling C. Campbell. The recruits were Colin Tapley, formerly of New Zealand, Patric Knowles and Robert Coote, both born in England. Before enlistment they were met by Lieut. John F. Farrow, R.C.N., former film director.

'Rhythm' Garners $17,000 in Detroit

DETROIT, Sept. 12.—"Rhythm on the River" and "We Who Are Young" scored $17,000 at the Michigan in a strong week here. The second week of "Boom Town" at the United Artists drew $14,000 and "He Stayed for Breakfast" and "The Lady in Question" brought $18,000 to the Fox.

Estimated takings for the week ending Sept. 5:

"The Return of Frank James" (20th-Fox)
"Blondie Has Servant Trouble" (Col.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)

"The Ghost Breakers" (Para.)
"Irene" (RKO)
FISHER—(2,700) (15c-50c) 7 days. Gross: $7,000. (Average, $7,000)

"He Stayed for Breakfast" (Col.)
"The Lady in Question" (Col.)
FOX—(5,000) (15c-55c-65c) 7 days. Gross: $18,000. (Average, $15,000)

"Rhythm on the River" (Para.)
"We Who Are Young" (M-G-M)
MICHIGAN—(4,000) (15c-55c-65c) 7 days. Gross: $17,000. (Average, $12,000)

"They Drive By Night" (W. B.)
"The Golden Fleecing" (M-G-M)
PALMS — (2,000) (15c-39c-55c) 7 days. Gross: $7,000. (Average, $7,000)

"Boom Town" (M-G-M)
UNITED ARTISTS—(2,000) (20c-50c-75c) 2nd Week. Gross: $14,000. Average, $10,000)

'Rhythm' at $7,500 Indianapolis Lead

INDIANAPOLIS, Sept. 12. — The annual Indiana state fair was competition all week, but "Rhythm on the River" and "Golden Gloves" at the Indiana pulled $7,500. "Foreign Correspondent" and "Girls of the Road" at Loew's took $7,800.

Estimated takings for the week ending Sept. 6:

"Comin' Round the Mountain" (Para.)
"Queen of the Mob" (Para.)
CIRCLE—(2,800) (28c-33c-44c) 7 days. Gross: $4,700. (Average, $6,000)

"Rhythm on the River" (Para.)
"Golden Gloves" (Para.)
INDIANA—(3,200) (28c-33c-44c) 7 days. Gross: $7,500. (Average, $5,500)

"Foreign Correspondent" (U. A.)
"Girls of the Road" (Col.)
LOEW'S—(2,800) (28c-33c-44c) 7 days. Gross: $7,800. (Average, $7,000)

"Young People" (20th-Fox)
LYRIC—(2,000) (28c-33c-44c) 7 days. Stage: Carlos Molina Orchestra; Will & Gladys Ahern; Carroll & Howe; Theodora & Denesha; Josephine Delmar; Conchita; Lucia Garcia. Gross: $7,800. (Average, $8,000)

Two Companies Formed

ALBANY, Sept. 12.—Papers of Incorporation have been filed here by Triumph Theatres, Inc., with Seymour L. Colin, Irving Winter and Philip Weiss, New York, as directors, and by Lee Lord, Inc., directors being Julius Markowitz, Max Reichenthal and Natalie Landy, New York.

Set $750,000 Budget on 'Sis Hopkins' at Republic

HOLLYWOOD, Sept. 12.—For "Sis Hopkins," play by CARROLL FLEMING and EDWARD A. KIDDER, starring vehicle for JUDY CANOVA, a minimum budget of $750,000 has been announced by M. J. SIEGEL, Republic studio head. The play was first produced in 1900.

CARMEN MIRANDA and her band, who appear in 20th Century-Fox's "Down Argentine Way," have been signed for "They Met in Rio," musical. . . . JAMES ELLISON, given a term contract by RKO, does as his first under the new deal the lead opposite KAY FRANCIS in "Debutantes, Inc. . . . Other RKO castings: KENT TAYLOR to "Malvina Swings It;" ADELE PEARCE and WILLIAM TRACY to "Mr. and Mrs. Smith." . . . ALEXANDER KORDA has signed ALAN MOWBRAY to support VIVIEN LEIGH and LAURENCE OLIVIER in "Lady Hamilton." . . . PRISCILLA LANE will play opposite JOHN GARFIELD in Warners' "The Fabulous Thirties," which LLOYD BACON will direct. . . . ALBERT DEKKAR is set for a comedy role in Paramount's "You're the One." . . . MAJORIE WEAVER will have the feminine lead opposite LLOYD NOLAN in 20th Century-Fox's "The Private Practice of Mike Shayne" . . . ROUBEN MAMOULIEN and 20th Century-Fox are huddling over a term directorial deal, and his first would be "They Met in Rio."

VIRGINIA VAN UPP is conferring with DR. L. BOTTOMSLEY, English botanist, on data for "Dildo Cay," which EDWARD H. GRIFFTH will produce and direct for Paramount.

BRADBURY FOOTE and HOWARD EMMETT ROGERS are collaborating on the script of the latter's original, "Billy, the Kid," which IRVING ASHER will produce for M-G-M. . . . REGINALD OWEN joins the cast of M-G-M's "Hullabaloo." . . . CLIFFORD ODETS has arrived to write the script of his Broadway play, "Night Music," for DAVID LOEW-ALBERT LEWIN. . . . ANDREW L. STONE, who had been negotiating with GIULIO GATTI-CASAZZA, former Metropolitan conductor, for permission to film a story concerning his life, is seeking to carry on the deal with his heirs. . . . WILLIAM SEITER and his wife, the former MARIAN NIXON, are on their way to Honolulu for a four-week stay. . . . GEORGE CUKOR is directing, for MERVYN LEROY, additional scenes on the latter's M-G-M picture, "Escape," starring NORMA SHEARER and ROBERT TAYLOR.

RITA JOHNSON is supporting CLARK GABLE and HEDY LAMARR in "Comrade X" at M-G-M. . . . IRVING APPLEBAUM, head of Jupiter Films, producing for Monogram release, has purchased "The Old Lady Who Wanted to See Chicago," story by PAUL BLAKKAN, which will appear in the *Cosmopolitan Magazine*. . . . M-G-M has purchased "The Woodpecker's Song," to be played by CHICO MARX in "Go West." . . . RAY ENRIGHT will direct "The Weak Link," EDDIE ALBERT vehicle at Warners. . . . MARTHA O'DRISCOLL has been signed by LOU OSTROW of Vogue Pictures as "Daisy Mae" in "Li'l Abner," RKO release. . . . Columbia has extended GLENN FORD'S contract.

'Foreign' Scores $16,000, Cleveland

CLEVELAND, Sept. 12.—In the best week here in recent months three houses did well over average. "Foreign Correspondent" at Loew's State drew $16,000. The opening of the Fall vaudeville season and "Young People" attracted $16,000 at the RKO Palace.

Estimated takings for the week ending Sept. 5:

"Return of Frank James" (20th-Fox)
ALLEN—(3,000) (33c-39c-47c) 7 days, 2nd week. Gross: $4,000. (Average, $4,000)

"Lucky Partners" (RKO)
WARNERS' HIPPODROME — (3,500) (33c-39c-47c) 7 days. Gross: $11,000. (Average, $11,000)

"Young People" (20th-Fox)
RKO PALACE—(3,100) (35c-47c-55c) 7 days, Charlie Barnet and orchestra on stage. Gross: $16,000. (Average, $13,500)

"Foreign Correspondent" (U. A.)
LOEW'S STATE—(3,500) (33c-39c-47c) 7 days. Gross: $16,000. (Average, $11,000)

"I Love You Again" (M-G-M)
LOEW'S STILLMAN—(1,900) (33c-39c-47c) 7 days, 4th week. Gross: $6,000. (Average, $4,000)

Atlantic City Houses Aid Recruiting Drive

ATLANTIC CITY, Sept. 12.—The motion picture houses here have joined the local American Legion committee to aid in recruiting for the National Guard. While the houses cannot show still photos because of program and mechanical arrangements, managers of all circuit and independent theatres have agreed to run patriotic shorts as their part in the drive. A meeting will be held to complete plans for the drive.

'Boom Town' Draws Big $13,800, Buffalo

BUFFALO, Sept. 12.—A healthy week was enjoyed here with all houses but one recording figures far above average. "Boom Town" at the Great Lakes took $13,800. The Buffalo drew $15,200 with "Rhythm On The River." "Lucky Partners" at the Twentieth Century had $11,000.

Estimated takings for the week ending Sept. 7:

"Rhythm on the River" (Para.)
BUFFALO—(3,489) (35c-40c-60c) 7 days. Ernie Fiorito and orchestra with the Hansonettes, Meyer Balsom, Max Miller and Eddie Manguso. Gross: $15,200. (Average, $12,000)

"Boom Town" (M-G-M)
GREAT LAKES—(3,000) (44c-65c) 7 days. Gross: $13,800. (Average at 35c-55c, $7,500)

"Young People" (20th-Fox)
"Charlie Chan at the Wax Museum" (20th-Fox)
HIPPODROME—(2,100) (30c-40c) 7 days. Gross: $3,200. (Average, $6,800)

"Lucky Partners" (RKO)
"Millionaires in Prison" (RKO)
TWENTIETH CENTURY—(3,000) (30c-40c) 7 days. Gross: $11,000. (Average, $7,500)

"He Stayed for Breakfast" (Col.)
"Passport to Alcatraz" (Col.)
LAFAYETTE—(3,000) (30c-40c) 7 days. Gross: $7,000. (Average, $6,300)

Mullen Heads Union

CHESTER, Pa., Sept. 12.—Jack Mullen, projectionist at the Boyd, has been reelected president of the operators' union here, Local 516. Herbert Fox is vice-president; Ken Young, treasurer; Al O'Donnell, secretary and Perry Restucci, business agent.

'Boom Town' Gets $36,700, Philadelphia

PHILADELPHIA, Sept. 12.—Adding a midnight show on the holiday Sunday, the Earle had a banner week in "Boom Town" with a record-breaking $36,700 on an increased price scale. The Stanley, with also a midnight show added, did $15,600 with "Lucky Partners."

Estimated takings for the week ended Sept. 4-8:

"Pastor Hall" (U.A.)
ALDINE—(1,400) (35c-41c-46c-57c-68c) 7 days, 2nd week. Gross: $6,700. (Average, $9,000).

"Pride and Prejudice" (M-G-M)
"Tom Brown's School Days" (RKO)
ARCADIA—(600) (35c-46c-57c) 4 days, 2nd week, 2nd run, $3,000; 3 days, 2nd run, $1,200; 7 day average. Gross: $4,200. (Average, $2,600)

"The Sea Hawk" (W. B.)
BOYD—(2,400) (35c-41c-46c-57c-68c) 7 days, 3rd week. Gross: $10,200. (Average, $13,000)

"Boom Town" (M-G-M)
EARLE — (4,000) (46c-57c-73c) 7 days. Gross: $36,700. (Average, $14,000)

"Young People" (20th-Fox)
FOX—(3,000) (35c-41c-46c-57c-68c) 7 days. Gross: $9,000. (Average, $13,000)

"I Love You Again" (M-G-M)
KARLTON—(1,000) (35c-41c-46c-57c-68c) 7 days, 2nd week, 2nd run. Gross: $5,900. (Average, $3,000)

"The Return of Frank James" (20th-Fox)
KEITH'S—(2,200) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $3,800. (Average, $4,500)

"Lucky Partners" (RKO)
STANLEY—(3,700) (35c-41c-46c-57c-68c) 7 days. Gross: $15,600. (Average, $14,000)

"He Stayed for Breakfast" (Col.)
STANTON—(1,700) (35c-46c-57c) 7 days, 2nd run. Gross: $6,800. (Average, $4,500)

'Town' at $29,000 Is High in St. Louis

ST. LOUIS, Sept. 12.—Loew's State grossed $29,000 with "Boom Town" at increased prices. The single-bill reserved-seat policy at the Ambassador brought a sharp drop in business.

Estimated takings for week ending Sept. 5:

"Boom Town" (M-G-M)
LOEW'S STATE—(3,162) (31c-40c-54c-59c) 7 days. Gross: $29,000. (Average, 28c-39c-44c-56c, $13,000)

"The Sea Hawk" (W. B.)
AMBASSADOR—(3,018) (35c-50c-75c) 7 days, 2nd week. Gross: $4,500. (Average, 28c-39c-44c-56c scale, $11,500)

"Dance, Girl, Dance" (RKO)
"Argentine Nights" (RKO)
FOX—(5,038) (28c-39c-44c-56c) 7 days. Gross: $9,000. (Average, $11,000)

"Flowing Gold" (W. B.)
"Young People" (20th-Fox)
MISSOURI—(3,514) (28c-39c-44c-56c) 7 days. Gross: $4,000. (Average, $4,000)

Wilmington Slash Brings Objection

WILMINGTON, Sept. 12. — Several local second-run neighborhood houses are complaining of price reductions at two Warner houses, the downtown Grand and the Strand, second-run neighborhood.

The Grand evening price was dropped from 25 to 20 cents, after Warners reopened the Arcadia. The Strand, which recently raised to 25 cents, has restored it to 20 cents.

To Release Cuban Films

World Pictures Corp. has closed a deal whereby it will release in the United States four films to be produced in Cuba by Geza Polaty. The first will be "Kingdom of God," followed by "Time in the Sun."

1915 1940

MARTIN QUIGLEY

25th

ANNIVERSARY EDITION

of

MOTION PICTURE HERALD

ISSUE OF SEPTEMBER 28TH

Culminating a quarter of a century of progress that has seen the motion picture rise to dominance as a world amusement, the career of Martin Quigley reaches its twenty-fifth year of service to the industry » » twenty-five years of constructive effort that will be signalized in an anniversary edition of Motion Picture Herald, to be published September 28th, 1940.

This issue, coming at a time when the industry is faced with many problems, will serve as a stimulation to the trade at large and will contribute vitally to a spirit of confidence as the motion picture industry embarks upon a new and critical year.

Communists to Meet With Fly On Radio Ban

Press headquarters of the National Campaign Committee of the Communist Party declared yesterday that a delegation led by William Z. Foster would meet with FCC Chairman James L. Fly at 2 P.M. today in Washington concerning the alleged refusal of NBC to accept eight paid coast-to-coast talks to be sponsored by the Communists. Fly had arranged for the conference by a telegram to the committee, press headquarters asserted.

The Communists stated that they started negotiations in June but were told to wait until after the Democratic convention. In August, they said, arrangements were made for the eight speeches at a conference, with the first to be given on Labor Day. However, it was alleged, NBC failed to send out the required contracts.

WASHINGTON, Sept. 12.—FCC officials declared tonight that they had no knowledge of any conference between Communist officials and FCC Chairman James L. Fly. Fly could not be reached but it was said that the FCC has no jurisdiction over programs. It was pointed out, however, that the commission would have jurisdiction in the event a station, having given time to the duly qualified candidate of one party, refused similar privileges to duly qualified candiates of other parties for the same office. Such treatment is provided for specifically in the Communications Act.

Broadcast Control Is Sought in Chili

SANTIAGO, Chile, Sept. 12.—Plans for the unification of all radio broadcasting systems in an organization subject to government control are now being considered by the authorities here.

Broadcasting stations accused of giving pro-Nazi news bulletins in German and Italian were ordered recently to broadcast only in Spanish and to avoid comments on the War. New regulations for radio communications are being drawn up also.

'Heritage' to Heymann

Andre R. Heymann, president of French Films Import Co., who distributed "Harvest" last year, has acquired the American rights to "Heritage," produced in France by Marcel Gras. It will be ready early in the Fall.

Miss Segall Gets Post

Etta V. Segall has been named office manager and booker for Monogram's New York exchange, succeeding Sol Kravitz, named salesman.

Serving the Albany district—third highest per capita rating in the country. Use

Station WABY (NBC Blue)

Off the Antenna

WITH the Jan. 1 starting date for commercial FM transmission approaching rapidly, applications for FM construction permits are coming in more rapidly to the FCC. A total of 36 applications are now awaiting FCC action. Most of the applications are for 50,000 watts.

The most recent applications include the St. Louis University in St. Louis; the Baltimore *Sun*, Baltimore; NBC, Chicago; WDRC, Hartford; WJR, Detroit; Worcester *Telegram*, Worcester, Mass.; and General Electric Co., Schenectady.

• • •

Purely Personal: *Lyn Murray, CBS choral and orchestration director, has been engaged to work on the choral arrangements and orchestrations for Buddy DeSylva's forthcoming production, "Panama Hattie." . . . Don Roberts of NBC spot and local sales staff has been transferred to Blue sales. He will be replaced by Philip D. Porterfield. . . . Louella Parsons will be guest of Kate Smith over CBS next Friday at noon. . . . Roy Rogers will be interviewed over WMCA Wednesday at noon. . . . Nola Luxford, who has done acting, writing and news commentaries, has arrived in town from the Coast. . . . Sterling Fisher, CBS director of education, will represent the network on the executive committee of the Federal Radio Education Committee.*

• • •

The Westinghouse short wave transmitter in Pittsburgh, WPIT, will soon be transferred to Boston, it was announced by Lee B. Wailes, Westinghouse stations manager. Purpose of the removal is to improve transmission to Latin America, it was said.

• • •

Radio editors will be the stars of a new NBC-Blue sustaining program, "Behind the Mike," which starts Sunday at 5:30 P.M. The editors will answer questions submitted by listeners on what goes on in the studios. Leonard Carlton, New York *Post* radio columnist, will be the first guest.

• • •

Program News: *Swift & Co. has purchased 78 NBC stations for a sales meeting to be held Saturday, Sept. 28 at 10:30 A.M. . . . Jacob Ruppert Brewery has purchased two five-minute spots on both WEAF and WJZ Saturday evenings for summaries of football scores. . . . General Foods will sponsor "Kate Hopkins" Mondays through Fridays at 4:45 P.M. over 45 CBS stations and has renewed "My Son and I" over 58 CBS stations. . . . Best Foods will sponsor "We, the Abbotts" Mondays through Fridays at 4:15 P.M. over 56 CBS stations. . . . "Voices of Yesterday" will be resumed over WHN Tuesday under the sponsorship of A. Finkenberg & Sons. The program is a transcription in which the actual voices of famous personalities of the past are heard.*

• • •

WBML, Macon, Ga., will join Mutual as the network's 146th affiliated station shortly. The station operates on 1,420 k.c. with 250 watts, unlimited time. . . WIZE, Springfield, O., is scheduled to join the NBC-Blue network when construction of the new station is completed. This is expected to be about the middle of November.

• • •

Around the Country: John Laux, KQV, Pittsburgh, manager, and Jack Meridian, production head, have resigned to join a new station in Steubenville O. Everett Neill succeeds Meridian. . . . Richard Blake has been named WKRC, Cincinnati, program director to succeed Ruth Lyons who will head a newly-created women's department. . . . Mel Milliams has been named chief engineer at KSAN, San Francisco, to succeed William Grove who resigned to install and manage KFBC, Cheyenne. . . . Bob Hedlar, formerly with WLW-WSAI, Cincinnati, has resigned to join the writing staff of WKRC.

CBC Had 1,600 War Broadcasts in Year

TORONTO, Sept. 12.—A special report of the Canadian Broadcasting Corp. shows that the national network carried 1,600 war broadcasts during the first 12 months of hostilities, the special programs occupying more than 350 hours on the air exclusive of regular newscasts, which have averaged 10 per day—with more on such occasions as the outbreak of war and the evacuation from Dunkirk. The war programs included commentaries, variety features from military camps and the troops in England, talks by the King and Queen, statesmen and public men, religious services and appeals in behalf of patriotic organizations.

During the month of August there were 129 war broadcasts, exclusive of regular newscasts, occupying 39.25 hours, and these included 87 war talks, 19 commentaries and 17 other topical features. Of these, 80 originated with the CBC, 41 from the BBC, seven from NBC and one from CBS. The time of the war broadcasts in the one month represented four per cent of the total CBC schedule.

Philadelphia's Golf Tournament Today

PHILADELPHIA, Sept. 12.—The fifteenth annual golf tournament sponsored by Jay Emanuel of *The Exhibitor* and the local Variety Club, will be held tomorrow at the Philmont Country Club.

The teams comprise four men representing any one organization within the industry. With a large number of prizes, tennis for those who do not play golf and a dinner dance in the evening, a large delegation of out-of-towners is expected to attend, including groups of Variety Club men from nearby cities. It is also expected that Bing Crosby, in town for a golf exhibition on Sunday at the Philadelphia Country Club for the benefit of the British War Relief Society, also will attend.

Retitle 'Brigham Young'

HOLLYWOOD, Sept. 12.—The 20th Century-Fox feature, "Brigham Young," will be generally released under the new title, "Brigham Young—Frontiersman," the studio has announced.

Washington Decree For Ascap Assured

The Attorney General of the State of Washington has withdrawn his objections to the report of the special master there holding that the Federal court has jurisdiction in Ascap's litigation to test the constitutionality of the state's anti-Ascap law. Withdrawal of the state's objections virtually assures Ascap a decree in its favor, since all basic issues except that of jurisdiction have been heard previously by the Federal court.

Confirmation of the special master's report will be sought at Tacoma on or before Sept. 28, the next scheduled hearing date. Hearing scheduled for early this week was delayed by the illness of Federal Judge Cushman who, although retired, has not disassociated himself from the Ascap case. However, if he is unable to hear the case within the next week or 10 days a new court will be sought, it was stated yesterday by Herman Finkelstein of Schwartz & Frohlich, who returned to New York yesterday from Tacoma. Louis D. Frohlich, also of counsel, preceded him here.

Reports Business In Far East Good

With films the chief relaxation from war tension and large detachments of soldiers and their families stationed in the Dutch East Indies and British Malaya, Far Eastern theatre managers are reporting excellent business during the past few months, according to Fred Young, manager for the past three years of the Erpi office in Singapore, who returned to New York recently. American equipment is also selling well because of the abandonment of German electrical plants which followed the invasion of Holland.

Young will leave from San Francisco next month to take over the direction of Erpi activities in British India. David Wight, until recently head of the Shanghai office, will take charge at Singapore.

Skouras Running Guide in 2 Papers

Skouras Theatres yesterday began publication of a guide to current attractions in the New York *Daily Mirror* and *Journal-American*. Extension of the advertisements in other dailies is being considered but it was said that no decision will be made until the results of the current campaign can be judged.

Theatres in Manhattan, Bronx, Westchester, Long Island and New Jersey are listed with a special listing of the Academy of Music, in Manhattan, and 8 Long Island houses in the Brooklyn editions.

Change Shorts Titles

The title of the Paramount short subject series formerly known as "Merry Models" has been changed to "Madcap Models." The six one-reelers will be produced by George Pal.

Farnsworth Has Loss

Farnsworth Television and Radio Corp. has reported a net loss of $749,741 for the period from Jan. 1 to April 30. This compares with a loss of $80,951 from Dec. 13, 1938, to April 30, 1939.

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 54 NEW YORK, U. S. A., MONDAY, SEPTEMBER 16, 1940 TEN CENTS

Boards Under Decree Will Be Permanent

Arbitration Association To Name Panels

Arbitration boards to be set up under the proposed Federal consent decree will be permanent trade units appointed for continuing service in their localities, it was ascertained on Saturday.

The American Arbitration Association will appoint the panels of arbitrators, which will vary from 10 to 25 persons in individual localities. The appointments will be permanent and no future panels will be named to replace them. However, arbitrators may be removed for cause and replacements then could be named.

The permanent nature of the appointments, it was pointed out by Government sources, gives the arbitrators the desired opportunity to familiarize themselves with the industry, its problems and its component parts in their

(*Continued on page 3*)

Coast Flashes

Hollywood, Sept. 15.—Action on a proposed bargaining contract will be demanded by producers Tuesday night when they meet with the Screen Writers Guild negotiating committee. The pact has been pending for months following formal recognition of the Guild by the producers as the bargaining agency for all film writers.

●

M-G-M will make "The Saga of the American Cowboy" as a high budget production. Will James, cowboy artist-writer, has been signed to do the story.

●

"Melody Ranch," with Gene Autry, Ann Miller and Jimmy Durante, will be sold on percentage, the first Republic picture to be so handled. H. J. Yates left for New York by plane after deferring his departure several days to approve final plans for the high budget film which will go into work at once with Joseph Santley directing.

●

Lucien Hubbard, 20th Century-Fox associate producer, who just finished work on "Youth Will Be Served," his fourth picture since March, will begin a leave of absence this week to last until January.

Lift 'Pastor' Ban

Chicago, Sept. 15.—The censor board yesterday reversed itself on the banning of James Roosevelt's "Pastor Hall," and issued a permit for its exhibition here. In taking its action the board followed a request by Mayor Edward J. Kelly that it reconsider its original decision, a request made following the receipt of protests from Roosevelt and the Chicago Civil Liberties League. The picture had been banned on the grounds that it was controversial and likely to cause dissension.

London Production Program Continues

London, Sept. 15.—In view of the current bombing raids on England, Maurice Ostrer, production chief of Gaumont British and Gainsboro, in charge of Shepherd's Bush Studio, where 20th Century-Fox British is producing, has devised a plan for carrying on despite the air attacks.

Under the scheme, the company is evacuating the wives and families of all studio workers to a safe area, and is arranging for the accommodation of the workers locally, thus overcoming the transportation problem, and permitting a full-time continuance of production.

London theatres were granted permission to open at 3 P.M. on Sundays, beginning today.

Photoplay Merges With Movie Mirror

The *Photoplay* magazine, one of the first film fan publications, founded by the late James Quirk in 1913, and *Movie Mirror*, originally one of the Futura Magazines group, will merge with the issue of Jan. 1. Both are now published monthly by Macfadden.

Circulation of *Movie Mirror* was 437,000, while *Photoplay* had a circulation of 414,000. The tentative title is *Photoplay-Movie Mirror*.

NATIONWIDE DRIVE FOR HIGHER PRICES IS PLAN OF CIRCUITS

Inspired by Executive Belief This Method Of Raising Needed Revenue Is The Most Practicable

By SAM SHAIN

Some major circuit chieftains are discussing a plan whereby independent exhibitors soon may be asked to cooperate in launching a national offensive for higher admission scales generally throughout the country. This idea of a nationwide campaign has been inspired by the fact that the circuit heads feel such a rise is necessary and that any alternative plan to aid the industry in regaining lost foreign revenue such as by a general rise in film rentals or a general reduction in negative costs is impractical.

Another reason behind the plan is that the present sporadic efforts of distributors to ask for higher admission scales on certain pictures in time may develop into a definite industry policy under which pictures will be made available nationally only to theatres which charge a fixed price of admission above a certain minimum.

Those who are in favor of this drive point out that the industry's annual foreign revenue on a basis of net cash receivable in New York has dropped 75 per cent and that this represents about 25 per cent

(*Continued on page 3*)

Press, Executives To See 'Westerner'

Among the guests at the premiere here at two theatres of the Samuel Goldwyn-United Artists film, "The Westerner, will be a group from Hollywood and press representatives. The list will include the following from the Coast:

Mr. and Mrs. Samuel Goldwyn, Mr. and Mrs. Gary Cooper, Jon Hall, Frances Langford (Mrs. Jon Hall), William Wyler, Margaret Tallichet (Mrs. William Wyler), Mr. and Mrs. Walter Brennan, Doris Davenport, Charles Ruggles, Robert O'Donnell, Edward Arnold, Bruce Cabot, George Raft, Bob Hope, Ona Munson and Lillian Bond. From New York will be: James Mulvey, Lynn Farnol, Harry Gold and Monroe Greenthal.

Representatives of newspapers and news services, trade and other papers expected include: Hubbard Keevey, Robin Coons, Sheila Graham, North American Newspaper Alliance; Harry Crocker, representing Louella Parsons; Fred Othmon, Harrison Carroll,

(*Continued on page 3*)

First Ampa Meeting Will Honor Quigley

Martin J. Quigley, president of Quigley Publishing Co., will be honored on his 25th anniversary as a film trade paper publisher at the first meeting of the Fall season of the Ampa, in the Grand Ballroom of the Hotel Edison on Oct. 2.

Leon Bamberger, president of the association, will preside, while Quigley will make the principal address. A record attendance of industry executives is expected. Various major companies have signified their intention of reserving one or more tables seating 10 persons each. A special program is being planned for the opening luncheon-meeting.

The affair will be held on Wednesday instead of the usual Thursday meeting day of the Ampa each week, because Thursday, Oct. 3, is a Jewish holiday. All future meetings of the Ampa are expected to be held at the Hotel Edison.

Jap Permit Offer Has a Catch

If American distributors will buy Japanese Government bonds with 50 per cent of their funds now frozen in that country, the authorities there will issue the import permits for new films that the distributors are entitled to under an earlier agreement with Japan, according to advices from Tokyo.

Japan's refusal to issue new import permits in accordance with the old agreement has prevented the shipment of any new films to Japan for more than six months, with the result that the American companies now are confronted with the problem of how to continue to do business there.

Banquet Week

PITTSBURGH, Sept. 15.—The twelfth annual Variety Club banquet-show will be staged Oct. 20, following the Pitt-Fordham game, and the twentieth annual convention banquet of the Motion Picture Theatre Owners of Western Pennsylvania will be held Oct. 22 as a testimonial to president M. A. Rosenberg, who is also a regional vice-president of Allied.

Film Bureau—But No Films

MEXICO CITY, Sept. 15.—Inquiries are being made by the picture industry regarding the continued inactivity of the expensively prepared, equipped and maintained Cinematographic Section of the Ministry of Public Education. This section, which includes two very fine production units, is headed by Jose Castellot, Jr., who serves without pay. There are four attaches, though, each of whom collects $200 monthly for doing nothing more than reporting for work.

The industry is puzzled about this section, since the money it is costing the Government, picturemen declare, could be beneficially spent in helping the national film industry get back on its feet.

Big Cities Heaviest Ad Rules Violators

WASHINGTON, Sept. 15.—Radio stations in cities of more than 500,000 population are the greatest potential violators of advertising restrictions, it was reported yesterday by the Federal Trade Commission. Twenty per cent of questionable continuities came from the largest cities. Stations in the 250,000-500,000 group had 18.3 per cent; 100,000-250,000, 14.4; 50,000-100,000, 17.8; 25,000-50,000, 11.9; and under 25,000, 17.6.

Of 635,843 scripts from 697 stations examined, 2.2 per cent were marked for further study. Network scripts were not included.

Road Show Policy For Korda's 'Bagdad'

Alexander Korda's "Thief of Bagdad" will be roadshown throughout the country at admission scales ranging up to $2 top, it was decided at a meeting of United Artists home office executives and district managers here on Saturday.

Canadian Officials See 'Police' Today

OTTAWA, Sept. 15.—Cecil B. DeMille's "North West Mounted Police" will be shown here tomorrow to Government officials, ranking officers of the Royal Canadian Mounted Police and Paramount's Canadian sales and advertising representatives.

The screening was arranged by R. M. Gillham, Paramount advertising and publicity director, and William Pine, DeMille's associate producer. A second screening will be held in Toronto on Tuesday for Canadian exhibitors.

Publicists' Guild to Frame Constitution

With unanimous approval given to the reports of the delegates who met recently with the Coast group, final details for a national constitution for the Screen Publicists Guild are being worked out.

The formal draft will be submitted to the next membership meetings of the New York and Hollywood units, dates for which will be set soon.

A ROMANCE THAT COULD HAPPEN ONLY IN NEW YORK...BUT YOUR PATRONS WILL BE SURE IT MIGHT HAVE HAPPENED TO THEM!
ANGELS OVER BROADWAY
A COLUMBIA PICTURE

Canada '39 Gross Totaled $34,010,115

MONTREAL, Sept. 15.—Canadian film patrons paid $34,010,115 for admissions exclusive of amusement taxes during 1939, the highest since 1931 and a rise of 1.1 per cent over 1938, the Dominion Bureau of Statistics has reported. Film theatres in operation totaled 1,186.

The popularity of double features rose in the Eastern sections but declined in the West. Of a total of 676,773 programs presented, 63 per cent were double bills. The number of itinerant exhibitors rose from 64 in 1938 to 107 and they played to 893,921 admissions for a total of $210,105, as compared with $134,146 in 1938.

British Columbia continued to occupy first place with an expenditure of $4.83 per capita; Ontario was second with $4.08; and Manitoba, third, $3.03.

Query Sales Heads In Interstate Suit

George Wright and Richard Stout, attorneys for Interstate Circuit, Dallas, are in New York taking depositions of several major company sales executives in connection with the suit brought by H. N. Jorgensen against Interstate.

The Jorgensen action is scheduled to go to trial before Federal Judge Atwell in Dallas on Sept. 30. The plaintiff operates the East Grand, Dallas.

O. E. Dunlap to RCA; Heath Is Ad Head

Orrin E. Dunlap, Jr., radio editor of the *N. Y. Times,* on Saturday was named manager of the RCA department of information by David Sarnoff, president.

Dunlap succeeds Horton H. Heath, who was made director of advertising and publicity by Sarnoff.

'Eden' for Roosevelt

HOLLYWOOD, Sept. 15.—James Roosevelt on Dec. 1 will start production on the Jack London story, "Martin Eden," for which he has borrowed Lloyd Bacon from Warners as director and signed Franchot Tone for the lead. The producer's "Pot o' Gold" will go into work Nov. 25. Both will be United Artists releases.

'Adventure' at Plaza

"I Married Adventure" will open at the Plaza here Sept. 23 on a three-a-day policy at advanced admissions. Two matinee performances daily will be at 75 cents and $1.10, and the evening performance at $1.25 and $1.75, with all seats reserved. Osa Johnson will make personal appearances during the run.

Personal Mention

JAMES ROOSEVELT will arrive from the Coast on Thursday for a visit of several days here.

•

ROBERT KOHN, manager of foreign film houses here, has returned fr a trip to the Coast.

•

JACK COHN, NATE SPINGOLD and ABE MONTAGUE left for the Coast over the weekend for conferences on new product at the Columbia studio.

•

MATTHEW J. FOX, Universal vice-president, has postponed his departure for the Coast for another week.

•

WILLIAM C. GEHRING, Central division manager for 20th Century-Fox, returns today from drive meetings in Chicago and Minneapolis and circuit deal negotiations in Indianapolis.

•

HARRY F. SHAW, Loew-Poli division manager in New Haven, celebrated MRS. SHAW'S birthday over the weekend at Atlantic City.

•

SIDNEY KLEPPER, assistant manager at the Palace, Hartford, Conn., was married yesterday to ROSALIND OLIVER. The couple are honeymooning at Virginia Beach, while RUSSELL GRANT substitutes at the theatre.

•

SAMUEL HADELMAN, operator of the Capitol, Bridgeport, Conn., is on vacation at Virginia Beach.

•

SAM ROSEN of Rosen Film Delivery Service, New Haven, and IRVING C. JACOCKS, JR., operator of Branford, Conn., visited ARTHUR H. LOCKWOOD, president of the M.P.T.O. of Connecticut, who is recuperating at home after a month in a Boston hospital.

•

WILLIAM KEEGAN, after a Summer at Wildwood, N. J., has returned to Trenton, N. J., to manage the W. C. HUNT houses in that district.

Charter Radio Firm

ALBANY, Sept. 15.—Allen Roth Radio Productions, Inc., has been chartered here to conduct a general radio broadcasting business by E. C. Rubien, Nathan Bilsky and Edward Ladden, New York.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

'Divorce' and Tucker Coast Top, $32,000

Los Angeles, Sept. 15.—"I Want a Divorce," backed by a stage show starring Orrin Tucker, his orchestra and Bonnie Baker, sent the Paramount gross to $32,000, one of the highest in the history of the house. "Lucky Partners" and "Millionaires in Prison" drew $10,500 at the Hillstreet and $11,500 at the Pantages.

Estimated takings for the week ending Sept. 11:

"Brigham Young" (20th-Fox)
CHINESE—(2,500) (44c-55c-75c-85c) 7 days. Gross: $12,700. (Average, $12,500)
"Pride and Prejudice" (M-G-M)
4 STAR—(900) (44c-55c) 7 days, 4th week. Gross: $6,200. (Average, $3,250)
"Lucky Partners" (RKO)
"Millionaires in Prison" (RKO)
HILLSTREET—(2,700) (33c-44c-55c-75c) 7 days. Gross: $10,500. (Average, $6,500)
"Brigham Young" (20th-Fox)
LOEW'S STATE—(2,500) (44c-55c-75c-85c) 7 days. Gross: $14,900. (Average, $14,000)
"Lucky Partners" (RKO)
"A Bill of Divorcement" (RKO)
PANTAGES—(3,000) (33c-44c-55c-75c) 7 days. Gross: $11,500. (Average, $7,000)
"I Want a Divorce" (Para.)
PARAMOUNT—(3,595) (33c-44c-55c-75c) 7 days. Stage: Orrin Tucker and Orchestra with Bonnie Baker. Gross: $32,000. (Average, $18,000)
"Sea Hawk" (W. B.)
WARNER BROS. (Hollywood)—(3,000) (33c-44c-55c-75c) 7 days, 3rd week. Gross: $7,400. (Average, $14,000)
"Sea Hawk" (W. B.)
WARNER BROS. (Downtown)—(3,400) (33c-44c-55c-75c) 7 days, 3rd week. Gross: $8,100. (Average, $12,000)

Arbitration Boards To Be Permanent

(*Continued from page* 1)

own localities, as well as the individual trade members with whom they will come in contact. Their continuing service, Government officials feel, will eventually make them experts in the arbitration of trade disputes.

The drafting of the arbitration provisions of the decree may be completed at a meeting tomorrow of the arbitration committee, composed of attorneys for the Government and the consenting companies and officials of the American Arbitration Association.

Meetings of the arbitration and decree drafting committees were held Friday and the latter committee will meet again today with expectations of completing a first legal draft of the decree within a few days.

Crystal Pictures Formed by Hirsh

Crystal Pictures, Inc., has been formed by Melvin Hirsh, former president of Syndicate Exchange and of Producers Distributing Corp., and will be operated as a national distributing organization. Hirsh has disposed of his interest in the other two companies to former associates.

Crystal will release a minimum of eight exploitation and roadshow pictures, Hirsh said. The first of these, "After Mein Kampf—?," based on dramatized factual material, opened at the Bryant here on Friday, after receiving a Production Code seal from M.P.P.D.A. Harvey Pergament is secretary of the new distributing organization headed by Hirsh.

'Adventure,' Show $11,000, Milwaukee

Milwaukee, Sept. 15.—The week's best grosser was "I Married Adventure" and the CBS show on the Riverside stage, with $11,000. Holdover business at the Warner, Wisconsin and Palace did not come up to expectations and "Boom Town" slated for both the latter houses Sept. 13 opened Sept. 11 instead.

Estimated takings for the week ending Sept. 10-12:

"Rhythm on the River" (Para.)
"Queen of the Mob" (Para.)
PALACE—(2,400) (30c-40c-55c) 5 days. Gross: $3,400. (Average, $4,500)
"The Return of Frank James" (20th-Fox)
"The Great McGinty" (Para.)
STRAND—(1,400) (30c-40c-55c) 5 days. Gross: $1,000. (Average, $1,500)
"I Love You Again" (M-G-M)
"The Captain Is a Lady" (M-G-M)
WISCONSIN—(3,200) (30c-40c-55c) 5 days. Gross: $4,500. (Average, $5,500)
"Thu Sea Hawk" (W. B.)
WARNER—(2,400) (30c-40c-55c) 6 days. Gross: $4,500. (Average, $4,500)
""I Married Adventure" (Col.)
RIVERSIDE—(2,700) (28c-44c) 7 days. Stage: Jane Froman, Jack Leonard, Marty May, Gene Sheldon. Gross: $11,000. (Average, $6,500)

Stage Shows Set at Philadelphia Earle

Philadelphia, Sept. 15.—Plans have been completed for the return of vaudeville to the Earle Sept. 27, which will make it a four-week run for "Boom Town," currently at the house.

An impressive array of stage and screen names has been booked for the first weeks, starting with George Jessel's "Hollywood Starlit" unit including Rochelle Hudson, Jean Parker, Steffi Duna, Lya Lys, Isabell Jewel and Gene Manners with the possibility of Lois Andrews (Mrs. Jessel) returning to the cast here. The Oct. 4 week brings in Harry Richman-Sophie Tucker-Joe E. Lewis, and if they can't close at New York's Riviera in time, the Andrews Sisters-Glen Gray Casa Loma Band. George White's "Scandays," featuring Ben Blue, is set for the Oct. 11 week and Buddy and Vilma Ebsen with Jimmy Dorsey's orchestra for the Oct. 18 week. Andrews Sisters-Glen Gray follow if the Richman unit fills the first date.

Philadelphia AGVA Fight is Reopened

Philadelphia, Sept. 15.—The row created here over the ouster of Tom Kelly as executive secretary of the local American Guild of Variety Artists chapter, replaced by Lee Travers by Hoyt S. Haddock, national executive secretary, is resulting in the issue being thrown open again.

The national A.G.V.A. has ordered the local members to vote on the ouster, calling a special meeting for Tuesday, with Dewey Barto, national A.G.V.A. president and others from the national board coming here to supervise the voting. John Leary, who resigned as president of the local union earlier in the Summer, has been recalled because his written resignation was not accepted.

Two Firms Chartered

Albany, Sept. 15.—Companies recently chartered here are: Kurland Theatres, Inc., by Abraham H. Shukat, Benjamin Bag and Leo Solomon, New York, and Springer Pictures, Inc., Detroit, Mich. which has a New York office.

Warner Is Asked to Debate Sunday Films

Philadelphia, Sept 15.—Rev. William B. Forney, secretary of the Lord's Day Alliance, leading the fight against Sunday films in Pennsylvania, has challenged Harry M. Warner, president of Warners, to defend Sunday shows in a public debate at either Harrisburg or Williamsport, where the issue will be voted upon in November.

In writing to Warner, Forney extended the challenge to any of the Warner brothers.

Grainger Due Here; Closed Frisco Deals

James R. Grainger, president of Republic, is due today or tomorrow from the Pacific Coast, concluding a tour of the country. In San Francisco late last week he closed a deal on the new season product with Golden State Theatres and T. & D. Jr. Theatres. Sidney Weisbaum, San Francisco branch manager, worked with Grainger on the deals, while R. A. McNeil and M. A. Naify acted for Golden State and T. & D., respectively.

Seltzer to Ad Agency

Jules Seltzer has resigned as Hal Roach publicity representative, to act as manager of the motion picture department of Western Advertising Agency, Los Angeles, which will handle the Roach account.

Circuits Seek Increase In Price Scales

(*Continued from page* 1)

of the industry's aggregate annual world net cash.

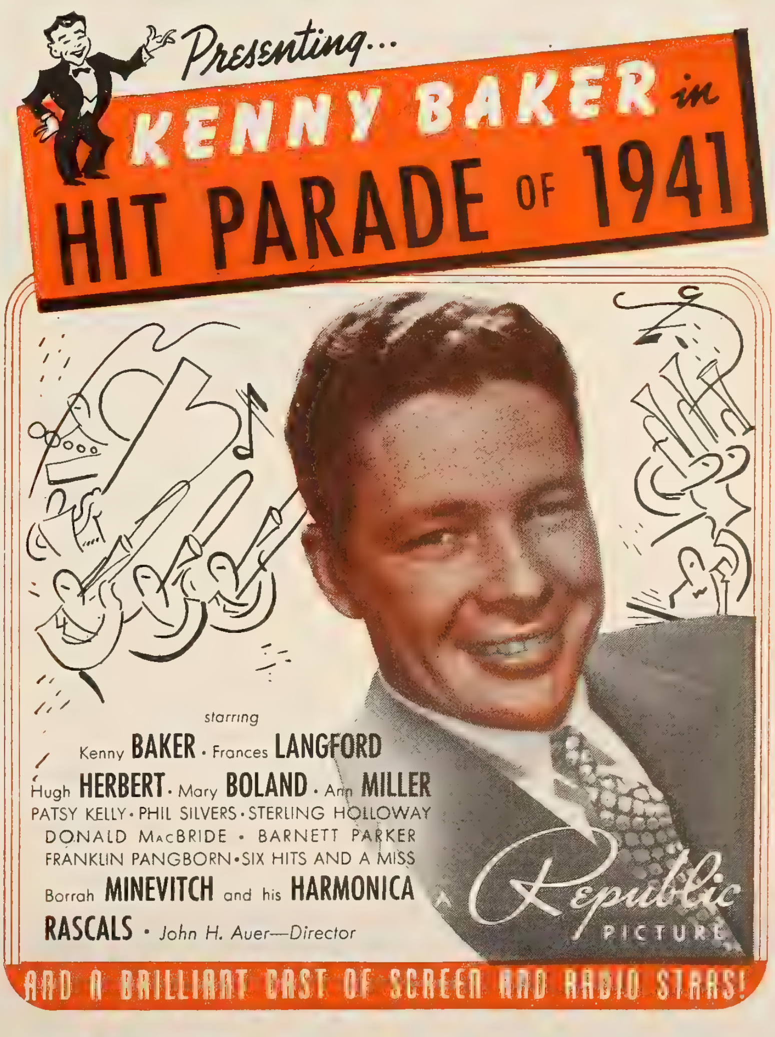
They also state that a plan for cutting negative costs generally may result in injury to the industry rather than benefit, because the quality of the product might be impaired. In regard to higher rentals, they point out that these are as high as they can be if the exhibitors are to have a margin left over operating costs.

It is the sentiment of the top circuit executives, according to one spokesman, that unless exhibitors do something to help the distributors and producers increase their domestic revenue to offset foreign losses, there is danger of a reduction of product because some producers may resort to cutting negative cost indiscriminately.

Press, Executives To See 'Westerner'

(*Continued from page* 1)

Tom Brady, Edwin Challert, Times; Douglas Field, Life; Jean Herrick, Jimmy Fidler, Paul Harrison, Cecelia Ager, William Wilkerson, Ivan Spear, Warren Stokes, and from New York, Abel Green and Don Mersereau.



Presenting...
KENNY BAKER in
HIT PARADE OF 1941
starring
Kenny BAKER · Frances LANGFORD
Hugh HERBERT · Mary BOLAND · Ann MILLER
PATSY KELLY · PHIL SILVERS · STERLING HOLLOWAY
DONALD MacBRIDE · BARNETT PARKER
FRANKLIN PANGBORN · SIX HITS AND A MISS
Borrah MINEVITCH and his HARMONICA RASCALS · John H. Auer—Director
A Republic PICTURE
AND A BRILLIANT CAST OF SCREEN AND RADIO STARS!

GOOD NEWS
TRAVELS FAST—
TRAILERS
LOBBY DISPLAYS
STANDARD ACCESSORIES

because good news is welcome news...

and good advertising is always welcome because it contains that rare power which can best be described in the one phrase: "stop...look...listen and BUY!" And the Big 3 in Theatre Advertising is GOOD ADVERTISING...the Best Sellers in this Business!

NATIONAL *Screen* SERVICE • ADVERTISING ACCESSORIES, INC.
NATIONAL *Screen* ACCESSORIES

FILE COPY
DO NOT REMOVE
M.P.P.D.A. OF AMERICA,
28 WEST 44TH ST.,
NEW YORK,
N. Y.
(6 COPIES)

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PIC DAILY

Accurate and Impartial

VOL. 48. NO. 55 — NEW YORK, U. S. A., TUESDAY, SEPTEMBER 17, 1940 — TEN CENTS

S. A. G. Seeks Supervision In Television

Elect Edward Arnold to Succeed Morgan

HOLLYWOOD, Sept. 16.—Working conditions in television are an important concern of the Screen Actors Guild, Kenneth Thomson, S.A.G., executive secretary, last night told the annual meeting. Edward Arnold was elected president without opposition to succeed Ralph Morgan.

Others elected were George Murphy, Paul Harvey, Walter Abel, vice-presidents; Lucile Gleason, recording secretary; Porter Hall, treasurer; and Ralph Morgan, Lucile Gleason, Russell Hicks, Boris Karloff, Claude King, Robert Strange, Roy Gordon, Tim Holt, Heather Angel and Nydia Westman, directors.

"To take the fullest advantage of all employment opportunities for actors, the Guild must maintain close supervision," Thomson said. "Television is getting closer to the commercial stage."

Thomson added that nickel-in-the-slot films may also provide employ-

(*Continued on page* 4)

Weekend Grosses Hold to High Level

With holdover attractions the rule in most Broadway houses over the weekend, grosses continued to maintain a high level over Saturday and Sunday. The one newcomer, "Hired Wife," was strong with an estimated $28,500 for the first three days with a stage show at the Roxy but will not be held because of a crowded booking calendar. "Brigham Young—Frontiersman" will follow it at the Roxy Friday.

In its second week at the Strand, "No Time for Comedy" with Larry Clinton's band on the stage drew an estimated $20,000 for the three days of the second week and will be held a third. "Lucky Partners" with a stage show at the Music Hall was good for an estimated $40,000 for the first four days of its second week. "Boom Town" at the Capitol did $36,000 in the first four days of a second week.

"Foreign Correspondent" is holding up well at the Rivoli and should bring an estimated $27,000 for its third week which ends tonight. It will be held. At the Paramount "Rhythm on the River" with Will

(*Continued on page* 4)

Screen, Radio Cooperate On U.S. Defense Program

Set Radio Round Table Of Commentators on Nation's Plans

WASHINGTON, Sept. 16.—President Roosevelt is seeking to set up a "Radio Round Table" of nationally known commentators to keep the nation in close touch with the defense program, it was disclosed today by Stephen Early, White House secretary.

The President conferred over the weekend with Wythe Williams, Mutual commentator, and asked Williams to obtain the cooperation of other analysts. President Roosevelt expressed the opinion that radio was the ideal medium for this type of work.

FCC Chairman James L. Fly today discussed two other phases of the defense program. He declared that all problems of broadcasters in connection with the plan for a Com-

(*Continued on page* 7)

Film Units Prepared to Answer When Called By Government

The industry's preparations for participation in nation defense activities are now basically in order and its cooperating units are prepared to function as soon as called upon by the Government.

The organizational work covers everything from newsreels and special production arrangements to national exhibition agreements. Arrangements have been made with laboratories for quick deliveries of large numbers of prints, whenever required, for nationwide distribution and for deliveries of prints to theatres. Arrangements for special advertising and publicity work and for special accessories, if and when required, also have been made.

All branches of the industry are cooperating in perfecting machinery

(*Continued on page* 4)

Canadian Rentals Total $10,315,000

TORONTO, Sept. 16.—Gross receipts of all film exchanges in Canada for 1939 totaled $10,315,000, according to the official Government report. This is a revenue record for the Dominion.

The increase over 1938 was $97,000, while that over 1930, when the theatre grosses were the largest on record, was $780,000.

The exchange branches listed in the 12 months were 67, or five more than in 1938, while salaries and wages

(*Continued on page* 6)

Bernhard Comments On Price Increase

Joseph Bernhard, general manager of Warners Theatres, comments as follows on advanced price scales on important pictures, on the basis of a survey:

"If you raise the price on a big picture, they ask why you don't lower the price on the small pictures.

"Hollywood needs more gross in order to recoup the losses of foreign income.

"It deserves to get much more money than it is now getting from

(*Continued on page* 6)

"Strike Up the Band"

[M-G-M]

HOLLYWOOD, Sept. 16.—Here they go again, Ladies and Gentlemen of Showbusiness, the Mickey Rooney and Judy Garland of "Babes In Arms" in full tilt display of their separate and combined talents for the benefit of the young, the old, the modern and the old fashioned, the rank and file of all times and places, including the here and now, who make up the motion picture's public. Here they are in

(*Continued on page* 4)

OTHER HOLLYWOOD REVIEWS: "Yesterday's Heroes"—Page 4; "Queen of the Yukon," "Margie," "Laddie"—Page 5; "Christmas in July," "I'm Still Alive," "Calling All Husbands"—Page 6.

Decree Stands As Is Without Basic Changes

Final Draft Expected Ready Tomorrow

Officials said last night that the consent decree will be presented for Federal Judge Henry W. Goddard's approval without any basic changes in the selling provisions of the pact to which exhibitors have objected. It was learned last night that although completion of the decree form, except for its arbitration clauses, is expected to be completed tomorrow, there have been no fundamental changes suggested in regard to the unit-of-five pictures selling section.

The drafting committee is going ahead with the decree as it was presented in principle to the Department of Justice chieftains in Washington several weeks ago. It will be presented to Judge Goddard early next month.

Tentatively, the drafting committee has considered a plan for a single arbitrator in local situations, and a permanent appeal board of three members in New York. Permanent panels will be set up in all exchange centers and the local arbitrator will be chosen by the disputants from these panels. The cost of the permanent appeal board in New York will be defrayed by the distributors, according to these tentative plans. It may be decided that the losing party to an arbitration proceeding shall pay the fee of the local arbitrator.

It will not be until the close of the week, according to officials, that the

(*Continued on page* 4)

W. A. McGuire, 49, Dies in Hollywood

HOLLYWOOD, Sept. 16.—William Anthony McGuire, 49, writer and associate producer for 20th Century-Fox, died at his home in Beverly Hills today following a three weeks' illness. He was currently working on the script of "Rings on Her Fingers."

Prior to his screen work, McGuire wrote and directed Broadway shows for Florenz Ziegfeld, notable among which were "Whoopee" and "Kid Boots." His films include "The Great Ziegfeld," which he wrote for M-G-M; "Rosalie," which he wrote and produced, and "Lillian Russell," for which he wrote the screenplay.

It's So Restful

COLUMBUS, O., Sept. 16.—Films have at least one advocate for relaxation here in the person of R. L. Turner, chief cashier in the County Treasurer's office.

Sam Fusco, in his "Personality Parade" column in the Columbus** Citizen, **quotes Turner as saying: "Movies are great entertainment, and you don't get all tired out like you would in fishing or golfing."

Paper Rations Hit English Industry

LONDON, Sept. 16.—Further drastic rationing of paper and restrictive orders on display are likely to have a serious effect on film trade publicity. Not least badly hit will be the exhibitor, whose posters are to be curtailed even more firmly than before.

It is now an offense to exhibit posters containing the same advertising matter less than 100 feet apart if they can both be seen from one place. Separate posters may not be displayed outside theatres for separate programs. They must advertise one week's shows at one time.

Throwaways are now prohibited unless they were used before May last. Now the distribution of any circulars is limited to one fifth of those distributed at the same time last year. New cutouts and display novelties are no longer permitted. Programs must be smaller.

The C. E. A. is appealing against this ruling, which is calculated to have a bad effect on theatre business.

MAINLINERS to
Los Angeles

NO CHANGE
OF SLEEPERS
The Continental Lv. 7 pm
The Overland Flyer Lv. 10:40pm
Luxurious thru coast-to-coast Mainliners — at United's high, smoother flight levels.
Travel agents, hotels, or
UNITED
AIR LINES
67 Wall St. or 58 E. 42nd St.
MU-2-7300

Personal Mention

WALTER WANGER has returned to New York for a few days before resuming his speaking tour in key cities.

•

COL. E. A. SCHILLER is in town.

•

TOM GERETY of the M-G-M advertising staff and MRS. GERETY on Saturday became the parents of a seven and a half pound girl, born at the South Nassau Community Hospital, Rockville Center, L. I.

•

JOHN P. FINDLAY, exhibitor of Westerly, R. I., and Mystic, Conn., has been appointed to the finance committee of the Town of Stonington, Conn., for a four-year term.

•

EDITH HOFFMAN, daughter of I. J. HOFFMAN, Warner Theatres zone manager at New Haven, will be married today to GERALD STEINBERG, Bridgeport attorney.

•

VIVIEN BALINSON, secretary to MAXWELL GILLIS, Republic branch manager in Philadelphia, has announced her engagement to DR. BERNARD HOFFMAN of Jersey City.

•

M. W. CANTRELL, former assistant manager of the State in Spartanburg, S. C., has resigned to join the State Highway Patrol.

•

ELMO HOLLOWAY, manager of the Wilson, Arlington, Va., was married to LOIS MASON recently, it has just been announced.

•

BARBARA SACHS leaves Sept. 30 for the Hacienda del Sol at Tucson.

EDWARD SMALL has arrived from the Coast.

•

SAM DEMBOW, LEONARD GOLDENSON, BARNEY BALABAN, WILLIE HOWARD and LOU BRANDT lunched at Lindy's (51st St.) yesterday.

•

WILLIAM SUSSMAN, HARRY GOETZ, OSCAR LEVANT, RICHARD RODGERS, LARRY HART, OWEN DAVIS and MARCUS HEIMAN at Nick's Hunting Room in the Astor yesterday for lunch.

•

ARTHUR LOEW, DAVE BLUM, MORT SPRING, ALEXANDER INCE, ARTHUR KRIM, WILLIAM MELNIKER, SI FABIAN, CLAYTON BOND and DONALD COOK lunching at Sardi's yesterday.

•

EMANUEL SILVERSTONE, ABE SCHNEIDER, RUBE JACKTER, ABE MONTAGUE and LOU WEINBERG at Lindy's (next to the Rivoli) yesterday for lunch.

•

OSCAR A. DOOB, ERNEST EMERLING, WALTER FUTTER, AL MARGOLIES, MARVIN SCHENCK, EUGENE PICKER and ARTHUR LEE lunching at the Tavern yesterday.

•

PATTY JOY HARMAN, two-year-old daughter of HOMER HARMAN, Roxy Theatre advertising and publicity head, will make her debut under Vyvyan Donner's direction in Movietone News in two weeks.

•

TERRY GINSBERG of Warners became engaged over the weekend to LAWRENCE SIEGEL.

Improved Business Reported by Golden

Generally improved box-office business was reported yesterday by Edward A. Golden, vice-president in charge of Monogram exchange operations, following his return from a tour of 18 key cities.

After two or three weeks here Golden will continue his trips to the company branch offices. His headquarters will be at the New York exchange, since the home office has moved to the Coast, and he will spend most of his time on the road.

Alliance to Release Through Monogram

Monogram has concluded a closer working arrangement with Alliance Film Corp., American affiliate of Associated British Pictures, under which it will release a number of Pathe British films. First release under the new arrangement will be "The Outsider," with "Chamber of Horrors" to follow. A.B.P. is the parent organization of Pathe British which is Monogram's affiliate in the United Kingdom.

Greenthal to Coast, Then to Fort Worth

Monroe Greenthal, director of exploitation and trade paper advertising for United Artists, left for the company's Hollywood studio on Saturday. Greenthal will go from there to the premiere of the Samuel Goldwyn-United Artists film, "The Westerner," in Fort Worth, Texas, on Thursday.

Montreal Unit Asks Pioneers' Charter

MONTREAL, Sept. 16.—Theatre veterans here have made arrangements to apply for a charter for a Montreal chapter of the Canadian Picture Pioneers. The proposed chapter will devote itself to war work almost exclusively.

At a meeting held here, members named Ed English as temporary chairman, and George Rotsky as temporary secretary.

Three Firms Formed

ALBANY, Sept. 16.—New companies incorporated here include: Empire Amusement Co., Inc., New York, by Bernard W. Goldenberg, Benjamin Cohen and Mildred Diesman; Culver Theatre Corp., Utica, by Jack Beck, Gladys Bogatin and Lucy Nicastro; Dory Amusement Corp., New York, by Morris H. Beer, Albert E. Schultz and Mitzi Kushman.

Schines Join M.P.T.O.

BUFFALO, Sept. 16.—The Schine Circuit has joined the M.P.T.O. of Western New York here. J. Meyer Schine and Louis Schine, heads of the circuit, will be active in the affairs of the theatre organization, according to its president, A. Charles Hayman.

Delay Skouras Decision

Federal Judge Alfred C. Coxe has postponed until Sept. 23 time to fix a trial date of the Government suit against George P. Skouras and Harvey B. Newins.

Philadelphia's Golf Tourney Draws 100

PHILADELPHIA, Sept. 16.—Over 100 golfers turned out last Friday for the 15th annual tourney sponsored jointly by the Variety Club and *The Exhibitor* at Philmont Country Club, with more than 200 attending the dinner dance in the evening. Eighty-seven prizes were awarded.

Sam Shapiro, local exhibitor, turned in the lowest score and was awarde the Ascap trophy, with exhibitor Lou Segall, runner-up, getting the Ross Federal trophy. Alfred J. Davis, local 20th Century-Fox sales manager, tourney winner, was awarded the M. E. Comerford Memorial Prize donated by Frank C. Walker, and runner-up Harold Cohen, exhibitor from Lewistown, Pa., won the Paramount Pictures trophy donated by Neil F. Agnew.

The awards were made during the dinner dance, at which a surprise gift was made to Milton Rogasner, who has been tourney chairman for the past five years. "Miss America" was the guest of honor at the dinner, presented by Earle W. Sweigert, Paramount branch manager.

In addition to a delegation of five members from the Washington Variety Club and many upstate members, the New York contingent present included Harry Thomas, Monogram; E. M. Hartley, National Theatre Supply; Wally Howes, Trans-Lux Theatres; Lee Newbury, N. J. Allied; Arthur Dickinson, Hays office; Walter Green, National Theatre Supply; Edward Aaron, M-G-M; Jack Cohen, National Screen; L. W. Conrow, Altec, and Robert Mochrie, RKO.

Wobber Due Here Sept. 30 from Tour

Herman Wobber, general distribution manager for 20th Century-Fox, and M. A. Levy, Minneapolis district manager and leader of the Kent sales drive, arrive here Sept. 30 after a tour of branches in connection with the drive. This is the second such tour, the first having been made last month by Levy and Roger Ferri, editor of the company's house organ, *Dynamo*.

William Sussman, Eastern division manager, will join Wobber and Levy in Philadelphia on Friday and thereafter will accompany them on their swing of Eastern cities. A meeting at the New York branch Oct. 1 ends the tour.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

She fought a wild frontier for the man she loved!

GIRL FROM GOD'S COUNTRY

Chester **MORRIS** • Jane **WYATT**
Charles **BICKFORD**

Sidney Salkow
Director

A *Republic* PICTURE

Decree Stands As Is Without Basic Changes

(*Continued from page* 1)

arbitration sections of the decree will be finally agreed upon.

The drafting committee met yesterday and will meet today and tomorrow in order to complete the first legal draft. This schedule necessitated the postponement of a meeting of the decree arbitration committee from today until Thursday. That committee expects to complete its work not later than Friday.

With the completion of the legal draft, the proposed decree will be turned over to the five consenting companies for their confirmation. This is regarded as a routine step, although it is possible that it may necessitate further joint conferences between company and Department of Justice representatives.

Louis Phillips, Paramount home office attorney, withdrew from the drafting committee yesterday because of the pressure of other work and was replaced by William Zimmerman, RKO home office attorney.

Block-of-Five Hit by Indiana Allied Unit

INDIANAPOLIS, Sept. 16.—Associated Theatre Owners of Indiana, an Allied States unit, has reaffirmed its position in opposition to the proposed Federal consent decree provision for film sales in blocks of five, the organization stated today.

"The Indiana Association previously had decided that such a sales policy would seriously interfere with the buying of pictures by independent exhibitors," the organization's announcement said, "because they would be deprived of cancellation privileges which they now enjoy and because such a policy would create more of a 'seller's market' than now exisits."

The organization's board of directors has filed a written protest with the Department of Justice setting forth its objections to the block-of-five proposal.

Weekend Grosses Hold to High Level

(*Continued from page* 1)

Bradley's band on the stage grossed an estimated $14,000 over the weekend and should bring an estimated $27,000 for its third week ending tonight. "Rangers of Fortune" with Jan Savitt's band and the Andrews Sisters starts at the Paramount tomorrow.

The second week of "Flowing Gold" brought an estimated $5,500 at the Globe. "Hell's Cargo" opened there Saturday. "Men Against the Sky" ends its week at the Rialto tonight and should gross an estimated $6,500. "The Mummy's Hand" starts there tomorrow.

Hold Drive-In Hearing

PITTSBURGH, Sept. 16. — Hearing has been held on the injunction against the recently opened Drive-In Theatre, sought by residents near the theatre who claim that the pictures' sound keeps them awake at night, and also depreciates property value.

"Strike Up the Band"

[M-G-M]

(*Continued from page* 1)

song, in dance, in tender boy and girl interludes, in love and out of it, with no purpose save to entertain and with the extensive resources of the Metro-Goldwyn-Mayer studio plus Paul Whiteman and his band at their disposal and utilized to the utmost. Here they go again, Ladies and Gentlemen, and it's okay to take the lid off of the adjective arsenal and break out the superlatives.

"Strike Up the Band" is a lot of picture—perhaps, toward the end, some five or 10 minutes too much picture—and it contains a lot of different kinds of material and a lot of each kind. It presents Rooney as a boy whose mother wanted him to be a doctor but who prefers swing drumming and reorganizes the high school band along those lines, plays dance dates, stages a burlesque of "gay '90's" melodrama, manages and maneouvers this way and that with the object of entering a Paul Whiteman radio band contest and winning it. He attains his objective in spite of complications which provide the film not only with mirth and music in large allotments but also with moments of intense emotionalism which profit from their placement amidst all this gaiety and vice versa.

The picture divides emphasis almost evenly between Rooney and Miss Garland, portraying the girl friend who wants to be Rooney's sweetheart and sings and dances with the band and separately. June Preisser is seen as the rich girl who arrives in town to monopolize Rooney's time, incidently getting in some dance routines, and Ann Shoemaker does handsomely in a portrayal of Mickey's mother—he and she sharing a number of sequences that put a catch in the throat without letting the story down. Paul Whiteman plays Paul Whiteman, both as band leader and character in the story, his orchestra participating in a manner to set off rather than overshadow Mickey's high-school aggregation.

The picture opens and closes to the music of the title song by the late George Gershwin and Ira Gershwin, dips back, at points along the way, into such hits of yesteryear as "Curse of a Broken Heart." "Heaven Will Protect the Working Girl" and many others, and features "Our Love Affair" by Arthur Freed and Roger Edens as something of a theme song. To direction by Busby Berkeley the film owes an expertness and elaborateness in its dance routines and ensembles seldom paralleled by his own or other previous works. Produced by Arthur Freed from a screen play by John Monks, Jr., and Fred Finklehoffe, the film is in what musicians and box-office analysts refer to, for lack of a more eloquent and all-inclusive term, as the groove.

Running time, 115 minutes. "G."* ROSCOE WILLIAMS.

"G" denotes general classification.

Hollywood Review

"Yesterday's Heroes"

(*20th Century-Fox*)

HOLLYWOOD, Sept. 16.—"Yesterday's Heroes" from a *Saturday Evening Post* serial, is the forerunner of the annual cycle of football pictures and is an exciting narrative of college football, told succinctly and movingly. It deals with a young medical student who is encouraged to play football and whose head is turned by adulation. His dreams of becoming a doctor vanish when he spurns his childhood sweetheart, marries the college widow, and, after the marriage is annulled by the wealthy father of his bride, drops from sight of family and friends. Told by means of flashbacks, the tale at the climax has the youth returning to college, with his childhood sweetheart.

Jean Rogers, Robert Sterling, Ted North, Katharine Aldridge, and Russell Gleason, all young 20th Century-Fox contractees, get thespic workouts in this, and acquit themselves honorably.

Irving Cummings, Jr., and William Conselman, Jr., have written an excellent script, portraying college love against a background of football and giving the story unity and coherence. William Brent, a sound technician at 20th Century-Fox, wrote the *Post* serial, and upon its sale to the studio, was given a writer's berth there.

This Sol M. Wurtzel production was directed with a fine hand by Herbert I. Leeds, who though handicapped, perhaps, by the flashback method and the stock shots of some of the football games, told a hard punching story.

Running time, 66 minutes. "G."* VANCE KING

"G" denotes general classification.

S. A. G. Seeks Supervision In Television

(*Continued from page* 1)

ment and should be watched. He said that James Roosevelt's Globe Productions had accepted the basic Guild contract with minor modifications for a three-month trial period.

Speaking of world conditions Thomson said better pictures for the domestic market are needed. "The Guild will maintain the position that better pictures need more and better paid actors," he said. "The way to make better pictures is not to apply horizontal salary cuts. The Guild will forcefully resist such moves."

John C. Lee, S.A.G. publicity relations counsel, in his report stressed the aims of the Guild in eliminating newspaper front page references to actors in an unsavory manner while at the same time making players heroes on the drama pages. Pat Somerset, Porter Hall and Murray Kinnell also spoke. Morgan was given a scroll in appreciation of his services to the Guild.

Fourth Theatre May Get 'Rockne' Opening

SOUTH BEND, Ind., Sept. 16.—Balaban & Katz are planning a fourth theatre for the premiere here of "Knute Rockne—All American," Warner film, with a heavy demand being made for seats at the Colfax, Palace and State. The premiere will be held Oct. 4 as the climax of a week-long celebration. Seats for the opening are scaled to $1.65.

Screen Cooperates With U. S. Defense

(*Continued from page* 1)

for handling any demand which may be made on the industry in connection with national defense.

Meanwhile, release of the revised "Land of Liberty," which has been prepared by the industry to be exhibited for the benefit of the American Red Cross, has been postponed until late November because of a number of conflicting events between now and then.

S. A. G. Wants Raises For Bit Players

Hollywood, Sept. 16.—An increase of minimum salaries for bit players from $25 daily to $40 or $50 will be sought in the forthcoming reopening of the basic agreement with the producers, Kenneth Thomson, executive secretary, told the annual meeting of Screen Actors Guild last night.

Thompson said the Guild will also ask a prohibition against extra players doing bit players' work; the raising of minimum salaries for free lance players; the re-definition of "added scene"; the prohibition of options for free lance players, and the limitation of the fitting test and interview time.

Annual Report

MEXICO CITY, Sept. 16.—A departure in annual governors' reports to their legislatures and the public, as Mexican law requires, was introduced by Wenceslao Labra, head of the State of Mexico, which adjoins this city. He made a talking film of his year's works, with himself as the star and narrator. All visible accomplishments were shown in the film. Intangible results were explained in the Governor's talk. The film was exhibited before Congress and in theatres throughout the state.

'Love You' $6,800 Cincinnati Gross

Cincinnati, Sept. 16. — "I Love You Again" gave the RKO Grand a good $6,800 in the third week, and moved to the RKO Lyric. "Boom Town" grossed $5,800 in its fifth and final week at the RKO Capitol, and "Hired Wife" turned in $15,300 at the RKO Albee. The weather was unseasonably cool.

Estimated takings for the week ending Sept. 10-14:

"Hired Wife" (Univ.)
RKO ALBEE—(3,300) (33c-40c-50c) 7 days. Gross: $15,300. (Average, $12,000)

"Dance, Girl, Dance" (RKO)
RKO PALACE—(2,700) (33c-40c-50c) 7 days. Gross: $8,000. (Average, $10,000)

"The Sea Hawk" (W.B.)
RKO SHUBERT—(2,150) (33c-40c-50c) 7 days. 2nd week. Gross: $3,700. (Average, $6,500)

"Boom Town" (M-G-M)
RKO CAPITOL—(2,000) (42c-60c) 7 days. 5th week. Gross: $5,800. (Average, $6,500)

"I Love You Again" (M-G-M)
RKO GRAND—(1,500) (33c-40c-50c) 7 days. 3rd week. Gross: $6,800.

"Lucky Partners" (RKO)
RKO LYRIC—(1,400) (28c-33c-42c) 7 days. Gross: $3,200. (Average, $5,000)

"Wagons Westward" (Rep.)
"Earl of Puddlestone" (Rep.)
RKO FAMILY—(1,000) (15c-28c) 4 days. Gross: $1,400. (Average, $1,500)

"Wild Cat Bus" (RKO)
"The Ranger and the Lady" (Rep.)
RKO FAMILY—(1,000) (15c-28c) 3 days. Gross: $700. (Average, $900)

"Young People" (20th-Fox)
KEITH'S — (1,500) (33c-40c-50c) 7 days. Gross: $3,900. (Average, $6,000)

'Town' New Haven Winner at $5,800

New Haven, Sept. 16.—The second week of "Boom Town" and "The Lady in Question" at the College took $5,800. "Foreign Correspondent" and "The Captain Is a Lady" at the Loew-Poli grossed $7,500.

Estimated takings for the week ending Sept. 12:

"Boom Town" (M-G-M)
"The Lady in Question" (Col.)
COLLEGE—(1,499) (39c-50c) 7 days, 2nd week. Gross: $5,800. (Average, $2,700)

"Foreign Correspondent" (U. A.)
"The Captain Is a Lady" (M-G-M)
LOEW-POLI—(3,040) (39c-50c) 7 days. Gross: $7,500. (Average, $8,000)

"Rhythm on the River" (Para.)
"Queen of the Mob" (Para.)
PARAMOUNT—(2,348) (39c-50c) 7 days. Gross: $3,000. (Average, $4,000)

"The Sea Hawk" (W. B.)
"Calling All Husbands" (W. B.)
ROGER SHERMAN—(2,200) (39c-50c) 6½ days, 2nd week. Gross: $3,200. (Average, $5,000)

Releasing French Film

Leo Films, Inc., will have for distribution soon "Mayerling to Sarajevo," a French film now being edited and titled.

Hollywood Reviews

"Queen of the Yukon"

(Monogram)

Hollywood, Sept. 16.—It's a Jack London story and it opens with a reading of a Robert W. Service poem, moving at once into the Yukon country to tell a story of gold mining in the days when claim-jumping was rampant and life was both rugged and risky. It presents Irene Rich as operator of the only river-boat affording access to the gold-country, a matron as expert in dealing faro as in concealing this fact from a daughter educated in the States and arriving in the Yukon at start of the picture. Charles Bickford is effectively cast as her he-man general manager faithful to her interest in the strife which follows.

This stems chiefly from efforts of a land-company to cheat the individual prospectors, appropriate their diggings and dominate the area. It terminates in a fist-fight such as furnished the thrill in "The Spoilers" and other notable pictures of the kind.

June Carlson is seen as the daughter from the States who discovers her mother's source of income is the gambling salon of her river boat and decides she wants to be like her. Dave O'Brien plays a young surveyor in love with Miss Carlson and, in the ending, which also witnesses Miss Rich and Bickford matrimonially destined, loved by her. A good deal of action, in addition to the fist-fight finale, precedes these romantic conclusions. Guy Usher and George Cleveland provide background humor as sourdoughs.

It is a Paul Malvern production directed by Phil Rosen from a script by Joseph West based on the London story.

Running time, 63 minutes. "G."* ROSCOE WILLIAMS

"Margie"

(Universal)

Hollywood, Sept. 16.—Latest in the series Universal has been making with titles based on former song hits, "Margie" falls into the same category of romance and farce as to theme.

Heading the cast are Tom Brown, Nan Grey, Mischa Auer, Edgar Kennedy, Allen Jenkins, Eddie Quillan, Wally Vernon and Joy Hodges. Brown appears as an unsuccessful song writer, married to Miss Grey but separated from her because of her insistence upon writing radio scripts; Auer as head of a South American banana combine, romantically interested in Miss Grey; Kennedy and Jenkins as piano movers with a propensity for wrestling.

Miss Hodges sings the title song, written by Con Conrad, J. Russell Robinson and Benny Davis, and two other songs are heard, respectively the works of Charles Previn and Paul Gerard Smith, and Previn and Sam Lerner.

Both the original story and screenplay were written by Erna Lazarus and W. Scott Darling, with Joseph G. Sanford acting as associate producer and Otis Garrett and Smith directing.

Highlight of the picture's comedy moments, judging by preview audience reaction, was the ending which has Andy Devine burst on the scene with six-guns smoking, only to say "I guess I'm in the wrong picture."

Running time, 59 minutes. "G."* W. S.

"Laddie"

(RKO)

Hollywood, Sept. 16.—Tim Holt has the name role and Joan Carroll the "Little Sister" assignment in this veracious filming of the Gene Stratton Porter novel, a Cliff Reid production from the Lee Marcus side of the studio with Jack Hively directing. It is, if preview audience reaction may be regarded as indicative, a film of solid appeal to children and the feminine division of the adult audience. It is filmed, as written, without modern trimmings or furbelows, a direct account of life as lived in pastoral America's horse-and-buggy days.

Virginia Gilmore is the girl of the hero's romantic interest, Spring Byington his mother, Robert Barrat his father and Miles Mander the austere Englishman, embittered by past experience, whose paternal objections to the young people's courtship supplies the plot with tension. Esther Dale, Sammy McKim, Joan Brodel, Martha O'Driscoll, Rand Brooks and Mary Forbes round out the cast.

The screenplay based on the Porter novel is by Bert Granet and Jerry Cady, a development of the story which preserves the calm atmosphere of scene and event which was a characteristic of the book and no doubt in large measure accountable for its wide sale.

Running time, 69 minutes. "G."* ROSCOE WILLIAMS

"G" denotes general classification.

Showmanship Flashes . . .

Covered Wagon and 'Wives' Used for 'Young'

Kansas Cty, Sept. 16.—A covered wagon, eight "wives" and appropriate dress equipped Foster Thornhill, assistant manager of the Esquire, as Brigham Young for the promotion of the picture worked out by Joseph Redmond, Esquire manager. Thornhill and the girls rode the streets of Kansas City for three days trying to get to Utah, and on a Saturday they all disembarked from the prairie schooner to have dinner at the Forum, largest and most heavily patronized downtown restaurant.

Fischer Does 'Annie' Press Book Drawings

Anton Fischer, originator of the illustrations for the "Tugboat Annie" stories in the *Saturday Evening Post,* has been commissioned by Warners to do the drawings for the press book as campaign on the film, "Tugboat Annie Sails Again."

Oil Company Tieup Helps 'Boom Town'

St. Louis, Sept. 16.—The highlights of the exploitation campaign for "Boom Town" at Loew's State here was a tieup with the Milton Oil Co., which published and distributed 150,000 four-page tabloids to Dixcel dealers in the city at its own expense. Also, the oil company placed 50,000 tabloids in street cars announcing the picture. Exploitation Chief James Harris also arranged for cooperative ads with business firms dealing with Loew's for a 16th anniversary spread in the *Star-Times,* daily afternoon newspaper. Arrows about town directed pedestrians to "Boom Town."

Sample Ballots Sent Out as 'McGinty' Plug

Wilkes-Barre, Pa., Sept. 16.—A special newspaper campaign, house to house distribution of thousands of sample ballots ballyhooing the "Great McGinty" ticket and a radio film memory test featured Manager John Galvin's campaign on the "Great McGinty" at the Penn Theatre. In addition he had a bannered truck cover the suburban towns, used spot radio announcements and plugged the picture.

Radio Plugs Aid 'Rhythm on River'

Wilkes-Barre, Pa., Sept. 16.—Manager Fred Lee for "Rhythm on the River" at the Capitol, used a radio campaign including six 15-minute broadcasts featuring the hit tunes, two five-minute transcriptions of Bing Crosby and Mary Martin singing some of the tunes, and four spot announcements plugging the picture and play date. He also tied up with groceries for 300 window streamers.

Reports Foreign Deals

Leon Fromkess, in charge of foreign sales for Producers Releasing Corp., reports deals closed for distribution of the company's new season product in the United Kingdom, most of the countries of South and Central America, Mexico, Puerto Rico, Virgin Islands, Cuba and Hawaii.

Canadian Rentals At Record in 1939, Totals $10,315,000

(*Continued from page 1*)

paid in the 52 weeks ending Dec. 31 last totaled $1,125,800, the number of employes in the distributing offices being 689, of whom 414 were men. In 1930, 663 persons were regularly employed in 59 offices of the film exchanges, the payroll for that year being $1,074,700.

The low year for Canadian film renting companies, both in revenue and wage costs, was 1933, when combined receipts were down to $6,797,000 and the payrolls had been cut to $855,800 for 574 employes.

Increases all along the line are noted with the exception of the average receipts and admissions per theatre, which are down slightly because of a net increase of 53, to 1,186, in the number of houses in operation. Compared with the previous 12 months, the combined seating capacity was increased from 640,366 to 658,174 and the seats per 1,000 population advanced from 57 to 58.

$3.03 Per Capita on Films

With aggregate receipts of $34,010,115 for the year, the per capita expenditure by Canadians advanced one cent to $3.03, the average for all residents in Ontario being $4.08. The number of independent theatres advanced from 566 to 573, while the number in the large circuits was listed at 280, the remainder being in small groups. The individually-owned theatres accounted for 25 per cent of gross receipts while the 280 circuit houses obtained 52 per cent of the whole revenue. There was no change in the total of theatres in cities over 30,000 population, this being 375, but there was an increase of 14 theatres in towns of from 1,000 to 30,000 persons. An increase of nine, to 108, was shown in the list of theatres playing professional vaudeville in 1939 while theatres showing professional stage shows, either part or full time, advanced from 55 to 65.

Exclusive of proprietors, the total employes of the 1,186 theatres were 7,477, which was 229 more than in 1938, the payroll being $5,954,796 as compared with $5,666,049 for the previous 12 months. The average wage per employe was $795, the average for the previous year being $782.

$28,676 Average Gross

The average receipts per theatre in 1939 were $28,676, against $29,687, while the average admissions for each of the theatres for the 12 months were 116,777, compared with 121,779 in 1938, when there were 1,133 theatres in operation.

During the year, the average number of seats occupied continuously was 27 per cent for the whole country, the highest efficiency being found in British Columbia, where 31 per cent of all seats were occupied on the average. Ontario and Alberta showed 29 per cent in occupancy; New Brunswick and Manitoba rated 26 per cent and Quebec was next with an average of 24 per cent. In all Canada the lowest efficiency was found in the 13 large theatres, which had the highest admission price average of 36 cents, the ratio of seats in such theatres occupied at all times being 22 per cent. The smallest theatres, with 25-cent average admission prices, were 30 per cent filled at all shows.

Hollywood Reviews

"Christmas in July"

(*Paramount*)

HOLLYWOOD, Sept. 16.—Writer-director Preston Sturges and producer Paul Jones exercise here with different material the uniquely expressive narrational talents accountable for the remarkable success of "The Great McGinty" and obtain an equivalently effective entertainment result. This time their story is about a young man who thinks he's won a radio contest and does with the $25,000 prize money what most young men would do, discovers that he hasn't won it and then, also, deports himself in a normal manner, after which other things happen which round out a story too good to be retold in synopsis. The picture has in its different way compelling interest and a warming quality.

Dick Powell is at his best, improving even on his "I Want a Divorce" performance, as the earnest young sloganeer, and Ellen Drew was never seen to such advantage as in the role of his sweetheart. Raymond Walburn, Alexander Carr, William Demarest, Ernest Truex, Franklin Pangborn, Harry Hayden, Julius Tannen, Michael Morris and many another round out a cast to each member of which is assigned, in what appears to be a feature of the Sturges policy, a substantial and clear cut characterization important for itself and in its relation to the whole.

These Sturges pictures possess a quality of their own, which perhaps may best be summed up or boiled down in the single observation that they tell their stories better than most.

Running time, 70 minutes. "G."* ROSCOE WILLIAMS.

"I'm Still Alive"

(*RKO*)

HOLLYWOOD, Sept. 16.—RKO's "I'm Still Alive" portrays a seldom exposed side of Hollywood picture making—the lives of stunt men who double for stars and principal players in dangerous scenes. The chief characters are a head stunt man and a star, who wed and meet the vicissitudes of married life caused by a proud man refusing to accept what he thinks is his wife's charity.

Kent Taylor, in portraying the stunt man, gives his best performance to date, and evoked applause from the preview audience. Linda Hayes enacts the role of the star, and Howard da Silva, Ralph Morgan, Don Dillaway, Clay Clemont and Fred Niblo constitute the remainder of the cast.

Irving Reis, associated formerly with radio, shows in this, his first film directorial assignment, great promise, having tied down all the loose ends to make a most entertaining picture. Edmund North wrote the story and the script, both commendable enterprises. Frederic Ullman, Jr., was the associate producer under executive producer Lee Marcus.

Running time, 72 minutes. "G."* VANCE KING.

"Calling All Husbands"

(*Warners*)

HOLLYWOOD, Sept. 16.—Depending in the main upon dialogue for point-making purpose, "Calling All Husbands" is the picturization of the old Martin Flavin comedy concerning the nagging wife who constantly reminds her mate that she should have married the town's banker. The object of her conversation turns up, after 30 years, as a tramp and thief, thereby rekindling the married couple's affections.

George Tobias as the tramp, Ernest Truex as the henpecked husband, and Florence Bates as the wife extract the most from their roles. Lucile Fairbanks and George Reeves supply the young love interest. Other players include Charles Halton, Virginia Sale, John Alexander, Clem Bevens, Sam McDaniel, Elliott Sullivan.

Robert E. Kent wrote the script for associate producer William Jacobs. Noel Smith directed.

Running time, 61 minutes. "G."* VANCE KING

**"G" denotes general classification.*

Gets English Post

Daphne Raglan of the story department of 20th Century-Fox in England has been appointed press representative and publicist for the company there, succeeding Hugh Findlay. The latter was granted a leave of absence to join the British Ministry of Information.

Heymann to Answer Suit

Andre R. Heymann, president of French Cinema Center, Inc., and French Films Import Co., Inc., through his attorneys, has filed notice of appearance and will file an answering affidavit Thursday in the stockholder suit of Harry Silverstein, who asks a receiver for the company.

Colonial Theatre to Match Rebuilt Town

Kannapolis, N. C., Sept. 16.—Walter Powell, who operates several theatres here, plans another, the Swanee. In line with the undertaking of Charles A. Cannon, president of the Cannon Mills, who own most of the town, to rebuild the city as it was in Colonial times, Powell will design the theatre with appropriate architecture. The town's reconstruction is similar to that of Williamsburg, Va.

Bernhard Comments On Price Increase

(*Continued from page 1*)

the American motion picture public. Motion picture admission prices are too low, because over a period of years, we have discounted the value of our merchandise.

"But the way to get more money for the theatres as well as the studios, is to do what we have been doing in the Warner Theatres since last September, which is to gradually raise the regular admission prices wherever conditions warrant such increases. Any theatre organization or individual exhibitor that will give the proper consideration to the problem of increased admissions will find that the policy of a raise in regular prices is much more acceptable to the public than an occasional boost.

"It is a mistake to underestimate the intelligence and the shopping skill of the public when it comes to buying entertainment. When you increase regular admission prices, the public accept it as part of the general movement of commodity prices; sometimes they're up, sometimes they're down. If the industrial condition is healthy, the town prosperous, the theatre well liked, you will hear very little grumbling about the increase, but when you raise the price on an individual picture, the public thinks you are taking advantage of their special desire to see a certain picture and they resent such action. They consider it a hold-up and not a legitimate movement of prices.

"Besides, this business was built upon the movie habit. Upon people dropping in to see a movie and not making up their minds to see a particular production. If we single out individual productions for price increases, the public is more apt to single out those pictures for increased attendance and let the others go by.

"Increased prices on individual pictures is contrary to the principles upon which this business became the greatest mass entertainment."

Theatre Sets Dividend

TORONTO, Sept. 16.—Marcus Loew's Theatres, Ltd., Toronto, has declared a $3.50 dividend on the 7 per cent cumulative preferred shares for the six months ending June 30, 1939. This payment provides a further reduction in the arrears, against which a series of quick disbursements have been made in the past two years. At one time the arrears on each share totaled $25.

Commentators 'Round Table' Defense Plan

(Continued from page 1)

munications Coordination Board had been disposed of and the President shortly may sign the order for its creation. Fly emphasized that no administrator will be placed in charge, but that the board "will be representative" of all interests.

Fly revealed that considerable attention has been given by the FCC to foreign-language broadcasts, but that no plan for dealing with them had been worked out that will not be potentially unfair to patriotic foreign-language stations. He said that many such stations are doing valuable Americanization work among the groups they serve. He said the FCC had no reports that any of them are being supported by foreign powers.

Williams Reveals Details of Program

In New York yesterday Wythe Williams disclosed that he had been conferring with Government officials about the radio defense program for more than a month. It will be an "official radio program consisting of interpretations by well-known commentators on the national defense reports of different Government departments," he said. It will be heard for one-half hour weekly, probably on Sundays.

The program will be rotated between Mutual, NBC and CBS, Williams said. He promised that full details for the program would be in the President's hands by the end of this week or the beginning of next. It is intended to give the defense picture to the nation by those trained in the radio technique rather than by various army, navy, or departmental heads, who might know their subject but not the proper manner of presentation, Williams explained.

Wage Law Effective On Studio Programs

WASHINGTON, Sept. 16.—Broadcasters are responsible for adherence to the Wage and Hour Law for performers when the program originates in the studio but not on remote pickups, Wage-Hour Administrator Philip B. Fleming has ruled. Studio programs include both sponsored and sustaining shows.

Fleming stated that performers who originate a program in the studios are directly responsible to the broadcaster and he can therefore control the wage payments. In the case of remote pickups, however, performers are compensated by others and the broadcaster is not responsible, Fleming ruled.

Globe Making New Deal on Slot Films

HOLLYWOOD, Sept. 16.—Globe Productions' contract with Mills Novelty Co. for films for nickel-in-slot film machines is being renegotiated.

It is understood that the original contract calling for eight to ten subjects weekly will be supplanted by one whereby Globe will guarantee 20 subjects annually at a flat price per negative plus a percentage of the rentals.

Off the Antenna

KSAN, San Francisco, has adopted a policy of devoting all its programs strictly to women. Its full 24-hour schedule will ignore the male element. Lou Keplinger, manager, points out that women have their own clubs, magazines and shopping guides. He believes they should have their own radio station as well.

• • •

Program News: *"Musical Americana" will be shifted by Westinghouse from NBC-Blue to the Red, effective Thursday, Oct. 10 when it will be heard at 10:30 P.M. "Uncle Jim's Question Bee" will move into the vacated spot on the Blue Tuesday, Oct. 8. Lever Bros. is sponsoring the latter show. . . . Columbia Recording Corp. will sponsor a six-times weekly recorded program over WABC starting Monday.*

• • •

Gary Cooper and Myrna Loy are turning over to the Red Cross $5,000 each received from the "Lux Radio Theatre" for appearances as guest artists. Miss Loy was heard last night in "Manhattan Melodrama" while Cooper will be heard next Monday in "The Westerner."

• • •

Purely Personal: *Reports from John Steele, Mutual commentator in London, who was injured by a bomb splinter, reveal that the bruises were minor. His nose and forehead were cut and there was some shock but Steele was all right after a day's rest. . . . Margaret Sullavan and James Stewart will be the first guests on the "Screen Guild Theatre" show which returns to CBS Sept. 29 at 7:30 P.M. . . . Don Sims, CKLW, Windsor-Detroit, continuity writer and staff announcer, will leave that station Oct. 1 to become station manager of WMSL, Decatur, Ala.*

• • •

Lowell Thomas, NBC veteran newscaster, will celebrate his 10th anniversary on the air Sunday, Sept. 29, in a broadcast over the combined Red and Blue networks from 5:30-6 P.M. Outstanding commentators from other networks, in addition to H. V. Kaltenborn, Earl Godwin and H. R. Baukhage, will help Thomas celebrate.

Final Photophone Sales Meet Today

The last of three RCA Photophone sales and service meetings will be held today at the company's plant in Hollywood. The first two were held in Camden and Indianapolis.

Homer B. Snook, Photophone sales manager, will head a delegation from Camden attending the final session. He will be accompanied by Edward Auger of the New York office; W. L. Jones, national service manager, and Adolph Goodman.

To Appear With 'Young'

Tyrone Power, star of "Brigham Young—Frontiersman," arrives with his wife, Annabella, today by plane from the Coast. He will make an appearance during the initial showing of the film on Friday at the Roxy with Dean Jagger, who enacts the title role, and Mary Astor, featured player. Miss Astor is here now while Jagger is expected tomorrow. The three also will appear in a radio dramatization of the film on the Kate Smith air show over CBS on Friday.

Seven New Pictures Get Legion Approval

The National Legion of Decency has approved all of the seven new films reviewed and classified for the current week, four for general patronage and three for adults. The new pictures and their classification follow:

Class A-1, Unobjectionable for General Patronage—"Colorado," "River's End," "West of Abilene," "Wyoming." Class A-2, Unobjectionable for Adults—"No Time for Comedy," "Pastor Hall," "Who is Guilty?"

Para. Sues on Tax

Paramount Pictures, in suing the United States Government for the return of $69,000 in capital stock taxes paid by four subsidiaries, claims the 1934 revenue act is unconstitutional. The four companies and the amounts involved are: Paramount Pictures Distributing Corp., $32,000; Paramount International Corp., $24,000; Paramount Producers, Inc., $12,000; Parage Corp., $1,600.

Brokers Ask Place on Code Authority

Broadway ticket brokers are seeking representation on the Code Enforcement Authority for the new season, it was revealed yesterday by James F. Reilly, executive secretary of the League of New York Theatres, after a conference with a group of the brokers. At present, the Authority is composed of representatives from the League and Actors Equity.

Reilly stated that the Authority would consider the brokers' proposals and also had under advisement a counter proposal to set up a conference committee with the brokers while denying the latter actual participation in the Authority. The brokers also seek definite limitations on the penalties to be imposed for infractions of the code and various technical changes. However, they have agreed to a continuation of the maximum advances of 75 cents per ticket for seats in the orchestra and 50 cents for the balcony.

The League's board of governors met yesterday to discuss the terms of the new contract as presented by Equity. The major points of the new contract are the possible provision for Sunday shows, an increase of minimum salaries from $40 to $50 weekly, continuation of the ticket code and building of audiences. Reilly refused to reveal the details of the meeting in advance of Equity's council meeting today, but it is understood that the board will accept the new terms.

Nets' Position On the Reds Clarified Soon

WASHINGTON, Sept. 16.—Broadcasters who have been struggling with the problem of whether or not to allow Communists to use their facilities are close to a decision and may announce their position within a few days, it was said today by FCC Chairman James L. Fly.

Fly declared that he had conferred Saturday with Communist leaders protesting the refusal of NBC to sell time to them. He explained that the FCC has no control over program activities and can act only when political candidates are refused equal treatment. He said the Communist protest was not that they had been refused time but that there had been a failure to act on their application and time was passing rapidly.

The Communist Party campaign committee alleges it had arranged to pay for eight political speeches with NBC but that the network had failed to send out the necessary contracts. The first speech was to have been broadcast Labor Day. Yesterday, NBC officials declined to state when they would make their decision known or comment otherwise on the situation.

Defense Opens in Nick, Weston Trial

ST. LOUIS, Sept. 16.—The defense opened its testimony today in the Federal Government's trial of John P. Nick and Clyde A. Weston on charges of violating the racketeering and Sherman Anti-Trust acts. Nick and Weston formerly controlled the operators' union here.

The first of the 25 defense witnesses was H. L. Albright, member of the union for 30 years, who said the membership applauded when George E. Browne, president of the I. A. T. S. E., appointed Nick to take over the union. Albright said Nick denied he had ever received any money for forestalling wage increase demands, as charged by the prosecution. The defense intends to show that Nick extricated the union from serious difficulty when he took control in 1935.

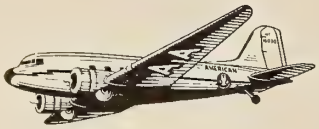
Extend AFRA Pact Pending Mediation

An agreement to extend the existing contract between the American Federation of Radio Artists and the networks covering sustaining programs "for a reasonable period" until mediation can be completed was reached at the first mediation meeting yesterday. The meeting took place at the offices of the New York State Labor Mediation Board with William H. Davis, chairman, as mediator.

No definite agreement was reported following the session, which was described as "exploratory." It was said that the "reasonable" time contemplated several additional meetings and was intended to cover all contingencies up to about 30 days. A second meeting will be held at 3:15 P. M. today.

★ ★

Now! Two Sections of


AA
AMERICAN

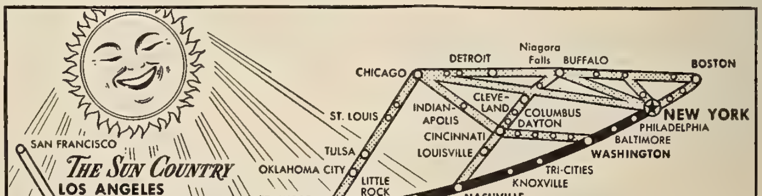
THE *American Mercury*

Every Day to Los Angeles

THERE'S a luxury-loving kind of people who have a knowing sense for the niceties and comforts of travel. When they go coast-to-coast you'll find them on The Mercury, American's de luxe overnight skysleeper between New York and Los Angeles via the famous Southern All Year Route. Because the number of these people has so rapidly increased, American is now operating The Mercury in two sections every day, with accommodations for 28 passengers.

A total of five American Airlines Flagships each way daily now carries scores of passengers coast-to-coast via its nature-favored Southern route across Virginia, Tennessee, and the Sun Country of Texas, Arizona and Southern California.

On your next trip coast-to-coast, enjoy the luxurious comfort and the hospitality of the famous Mercury or the other skysleepers of the Flagship fleet. For information or reservations, call your Travel Agent or **HAvemeyer 6-5000.** Ticket Offices: Rockefeller Center at 18 West 49th Street and Grand Central at 45 Vanderbilt Avenue.


DETROIT
Niagara Falls
BUFFALO
BOSTON
CHICAGO
CLEVE-LAND
ST. LOUIS
INDIAN-APOLIS
COLUMBUS
DAYTON
NEW YORK
PHILADELPHIA
CINCINNATI
BALTIMORE
LOUISVILLE
WASHINGTON
SAN FRANCISCO
TULSA
TRI-CITIES
THE SUN COUNTRY
OKLAHOMA CITY
LITTLE ROCK
KNOXVILLE
LOS ANGELES
NASHVILLE
TUCSON
FT. WORTH
MEMPHIS
PHOENIX
EL PASO
DALLAS
JACKSON
THE SOUTHERN ROUTE OF
AMERICAN AIRLINES INC
SAN DIEGO
SAN ANTONIO
HOUSTON
NEW ORLEANS
TO MEXICO CITY
AMERICAN AIRLINES = CONNECTING LINES

AMERICAN AIRLINES *Inc.*

THE FAMOUS SOUTHERN ROUTE . . . COAST-TO-COAST

DO NOT REMOVE

M. P. PRODUCERS &
DISTRIBUTORS OF AM., INC
28 WEST 44TH ST.,
NEW YORK,
N. Y.
(3 COPIES

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION P
DAILY

and
Impartial

VOL. 48. NO. 56 NEW YORK, U. S. A., WEDNESDAY, SEPTEMBER 18, 1940 TEN CENTS

Film Purchase Of Play Rights Plan Revived

Drama Guild, Producers, Film Men to Meet

By EDWARD GREIF

The plan to permit film companies to purchase motion picture rights of legitimate stage plays in advance of the play's production was revived suddenly this week and there will be a three-cornered conference tomorrow among the Dramatists Guild, the League of New York Theatres and representatives of Warners, M-G-M and Paramount.

The meeting will mark the first occasion when the three interests will come together at a joint conference. Previously, the meetings have been between the Broadway managers and the film companies and, more recently, between the Guild and the film companies.

Earlier this year, the Guild voted to amend the basic agreement to permit

(*Continued on page* 4)

'Pioneers' Dinner To Be Held Oct. 24

The Picture Pioneers will hold their Fall Conference Dinner on Oct. 24, it was decided at a meeting of the executive committee yesterday, according to Jack Cohn, vice-president of Columbia, who is house manager of the organization.

Ten applicants were elected to membership at the meeting. They are: Jay Emanuel, Philadelphia exhibitor; Harry K. Hecht, Passaic, N. J., exhibitor; Ralph D. Goldberg, Omaha exhibitor; Harry David, Salt Lake City exhibitor; Ira S. Cohen, 20th Century-Fox branch manager in Pittsburgh; George H. Balsdon, assistant film buyer for National Theatres; Rutgers Neilson, RKO publicity manager; Henry Holms of RKO; Otto P. Madsen, RKO, and Harry K. Black, Staten Island exhibitor.

Group Leave Today To See 'Westerner'

Press representatives and home office executives of United Artists will leave today via TWA plane for Fort Worth, Tex., to attend the two-theatre premiere tomorrow evening of the Samuel Goldwyn-United Artists film, "The Westerner." They will also be at the Dallas opening Friday.

M.P.P.D.A London Offices Are Bombed

London, Sept. 17.—The office in Park Lane here of Fayette Allport, representative in London of the Motion Picture Producers and Distributors of America, was damaged last night by the explosion of a heavy bomb in the vicinity. Windows, furniture and the like were broken, but there were no casualties.

Nazi Raids Fail To Close Houses

By AUBREY FLANAGAN

London, Sept. 17.—Despite intermittent bombings by Nazi air raiders, film theatres are operating with dogged persistence—although not prosperously—all over England. The opening of theatres earlier than usual on the past Sunday proved commercially satisfactory.

Since the blitzkrieg began, two major British films have been started in production. Paul Soskin has started work on "Quiet Wedding," at Sound City Studios for Paramount release. Twentieth Century-Fox, producing at Shepherd's Bush Studio, has started production of "Kipps," one of seven planned by the company this season.

'U' Names Mansfield Memphis Manager

Harry I. Mansfield, Memphis salesman for Universal, has been promoted to manager, filling the vacancy caused by the transfer of J. A. Prichard, manager, to Charlotte.

In New York, J. R. Felder, salesman, has been named assistant manager, following the promotion of Max Cohen to manager of the Washington exchange.

U.S. PROBES DECREE 'SABOTAGE MOVE'

Informal Inquiry Started by Justice Dep't To Determine If Exhibitor Protest Was Fomented by Three Companies

The Department of Justice has been conducting an informal inquiry here to determine whether exhibitor opposition to the block-of-five sales provision in the pending Federal consent decree was or is being fomented by the three non-consenting companies in an effort to sabotage the proposed decree, which is to be presented to the U. S. Court next month.

Attorneys and officials of United Artists and Universal have been queried along these lines by a well known member of the Department of Justice legal staff. Whether inquiries of the same kind have been made at Columbia could not be confirmed yesterday.

Where the inquiries were made, the Government representative was assured that the Department's suspicions were wholly without foundation and that exhibitor reaction to the block-of-five provision was spontaneous and merely confirmed predictions made by the three non-consenting companies in the course of the negotiations on the decree.

The Department of Justice attorney who made the inquiry here has since left New York to press the investigation further among exhibitor groups who are on record as opposed to the block-of-five proposal.

Meanwhile, recurrent efforts have been made by Government and trade sources to ascertain whether Columbia, United Artists and Universal could be reinterested in the pending decree or in one which might offer a totally different approach to an out-of-court settlement of the anti-trust suit. These efforts are described as being "tentative and unofficial." They

(*Continued on page* 4)

Decree Fight To U.S. Court

Columbus, O., Sept. 17.—Carrying their fight against the proposed block-of-five selling provision of the pending Federal consent decree direct to the New York Federal court, a group of local independent exhibitors today addressed a letter to Judge Henry W. Goddard urging him not to approve the decree while it contains that provision.

The exhibitors, most of whom are members of I.T.O. of Ohio, affiliate of Allied States, advocated an unqualified 20 per cent cancellation right "applicable to all groups of pictures," an alternative which, they said, "would offer some measure of relief to the independent theatre owners and would be accepted by them as a real step forward in the leasing of motion pictures."

Adoption of the block-of-five sales provision, the exhibitors told Judge Goddard, "will cause inestimable chaos

(*Continued on page* 4)

Good Play Shortage Seen Hampering Stage Season

A shortage of good plays is hampering the start of the new legitimate stage season, according to a consensus of Broadway managers. Nevertheless, prospects are generally regarded as good and plans are being formulated to build audiences for the legitimate stage.

James F. Reilly, executive secretary of the League of New York Theatres, has presented a five-point plan to Actors Equity for building audiences and making it easier for the general public to purchase tickets.

The plan includes neighborhood ticket agencies in various parts of the city and suburban areas; a reservation system under which a theatregoer can make a small deposit and then reserve seats by mail or telephone; a central information bureau to give data about the theatre to inquirers; cooperation with the Times Square Hotel Association for inclusion of a visit to a legitimate theatre on all-expense tours; and a promotion effort to stimulate small theatre parties.

With indications that Equity will approve Sunday performances at the

(*Continued on page* 4)

Eastman Sells Its Reich Plant Control

Eastman Kodak Co. has sold its 50 per cent control of Chemische Werke Odin to German interests for about $360,000, the company disclosed in a statement filed with the S.E.C. and released yesterday. Proceeds from the sale, the statement said, are tied up in Germany by foreign exchange restrictions. At the end of last year Eastman listed $5,260,544 investments in companies and branches in Germany, which included the Chemische Werke Odin. One of this company's principal assets is a gelatine factory at Baden.

To Honor Walker

Wilkes-Barre, Pa., Sept. 17.—Tentative plans have been made by residents of nearby Larksville to honor Frank Comerford Walker, head of Comerford Theatres, Inc., on his appointment as Postmaster General. Walker spent part of his boyhood in Larksville.

Complete Interstate Depositions Friday

George Wright and Richard Stout, attorneys for Interstate Circuit, Dallas, are scheduled to complete the taking of depositions of major company sales executives here on Friday in the H. N. Jorgensen action against Interstate, and will return to Dallas by plane the same day.

Trial of the case is scheduled for Federal court there Sept. 30, if both sides are ready to proceed on that date.

Yesterday, the depositions of Harry Gold of United Artists and Carl Leserman of Warners were taken. The final deposition will be that of T. J. Connors of M-G-M, to be taken late this week.

Jaffe Is Speaker At College Opening

William Jaffe, member of the law firm of Rosenblatt and Jaffe, on Monday participated with William Allen Neilson, president emeritus of Smith College, at the formal opening exercises of Union College and delivered one of the two principal addresses.

Personal Mention

WILLIAM A. SCULLY, general sales manager of Universal, has left for Chicago conferences on circuit deals. He is due back early next week.

•

S. A. LYNCH is here from Miami for a brief business visit.

•

THOMAS J. CONNORS, Eastern division manager for M-G-M, is expected to return from Boston tomorrow.

•

DAVE PRINCE, Southeastern district manager for RKO, arrived here yesterday for a visit.

•

A. A. SCHUBART, manager of exchange operations for RKO, arrived in Chicago on the TWA *Stratoliner* yesterday on business. He is expected back here Friday.

•

ELMER BALABAN is in town from Chicago.

•

LEE MARCUS, RKO producer, is expected here from the Coast next weekend.

•

RUTH PENNEY, fashion editor of the RKO studio, has returned to the Coast after several weeks' vacation.

•

ABE HODES, M-G-M student booker in New Haven, and his fiancee, DOROTHY J. WYMAN of the M-G-M home office, were given a reception here.

•

JAMES HILTON has returned to the Coast.

JOHN J. FRIEDL of Minnesota Amusement Co., arrived from Minneapolis yesterday for Paramount home office conferences.

•

LYNN FARNOL United Artists advertising and publicity director, left for Ft. Worth by plane last night.

•

CHARLES LAZARUS, M-G-M booker in New Haven, is vacationing.

•

WILLIAM F. RODGERS, CHARLES E. MCCARTHY, FRED LANGE, JOHN W. HICKS, OSCAR A. DOOB, ROBERT WEITMAN, RALPH AUSTRIAN and IRVING BERLIN at Nick's Hunting Room in the Astor for lunch yesterday.

•

RICHARD WHORF, LEO JAFFE, CLAYTON BOND, JOHN D. HERTZ, JR., OTTO PREMINGER, BOBBY CRAWFORD, NANCY CARROLL, JOHN GOLDEN and BUDDY EBSEN having lunch yesterday at Sardi's.

•

EDWARD SMALL, LESTER SANTLEY, HARRY BRANDT, JOSEPH MOSKOWITZ, LOUIS BERNSTEIN and SHEP FIELDS lunching at Lindy's (51st St.) yesterday.

•

SOL EDWARDS, ARTHUR SILVERSTONE, ABE MONTAGUE, LOUIS WEINBERG, ABE SCHNEIDER and RUBE JACKTER at Lindy's (next to the Rivoli) yesterday for lunch.

•

MAURICE BERGMAN, ROBERT SAVINI, BEN JENNINGS, WALTER FUTTER, BENN JACOBSON, lunching yesterday at the Tavern.

Roosevelt Coming For 'Hall' Opening

James Roosevelt is due by plane tomorrow from the Coast for the opening of his United Artists release, "Pastor Hall," at the Globe on Friday evening. He will remain here over the weekend and fly back to the Coast early next week.

Among those who have accepted invitations to attend the Globe opening are: Postmaster General Frank C. Walker, John Hay Whitney, Rabbi Stephen S. Wise, Herbert Bayard Swope, H. V. Kaltenborn, Sir William Wiseman, Eddie Cantor, Merlin Hall Aylesworth, Lowell Thomas, Ralph Bellamy, Edwin Weisl, John D. Hertz, Floyd B. Odlum, Dorothy Thompson, Lillian Hellman, Robert Lehman, Mr. and Mrs. William S. Paley and Jules E. Brulatour.

Goldwyn Due Here From Fort Worth

Samuel Goldwyn is scheduled to arrive in New York over the weekend, following the Fort Worth and Dallas premieres of "The Westerner," tomorrow and Friday.

While here, Goldwyn will retain counsel to replace the late Max D. Steuer in his action for a declaratory judgment on his releasing contract with United Artists. He also will confer with Lillian Hellman on the screen story for "The Little Foxes," which he will produce next Winter.

Richard Halliday Resigns

HOLLYWOOD, Sept. 17.—Richard Halliday, Paramount studio story editor, today said he would shortly resign to join another major studio.

Newsreel Parade

FIRST films of the intense air battles over London, released by the British censor, and the explosions at the Hercules Powder Plant in New Jersey, supply the exciting news highlights of the midweek newsreel issues. The reels and their contents follow:

MOVIETONE NEWS, No. 3—Air battle in London. U. S. destroyers in Canada. Powder plant explosion in New Jersey. Willkie in Chicago. Pershing celebrates birthday. Frank C. Walker named Postmaster General. Polo matches in Long Island. Golf championships.

NEWS OF THE DAY, No. 201—War in England. Royal Navy takes U. S. destroyers. Wilkie opens campaign. Powder blast in New Jersey. Amateur golf championships.

PARAMOUNT NEWS, No. 6—Powder explosion in New Jersey. Amateur golf finals. Pershing receives Congressional Medal. U. S. destroyers in Canada. Willkie on tour. Air battles over London.

RKO PATHE NEWS, No. 6—Explosions in New Jersey powder plant. Willkie starts campaign tour. Royal Navy takes over U. S. destroyers. British troops quit Shanghai. Golf matches in New York. London aflame after air raids.

UNIVERSAL NEWSREEL, No. 911—Willkie opens campaign. Pershing celebrates birthday. Frank Walker named Postmaster General. Civil War veterans on parade. Powder plant explosion. British planes rout raiders. Lumberjacks in beauty contest. Polo at Westbury. Amateur golf championships.

Ampa Names 2 New Committee Chairmen

Two new committee chairmen have been appointed by Leon Bamberger, Ampa president, for the remainder of the present administration. John Flinn has been appointed chairman of the constitution and by-laws committee which also includes Charles E. McCarthy and Paul Benjamin.

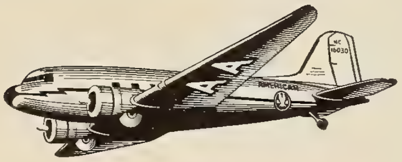
Eli Sugarman, henceforth will head the reception committee, replacing Lou Lifton, who has moved to California.

Honor Memory of Silverman Today

Those of the staff of *Variety* who were associated with the paper during the lifetime of Sime Silverman and friends and members of the Silverman family will make their annual pilgrimage today to the grave of the paper's founder, at Cypress Hills, Long Island. Silverman died seven years ago.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.



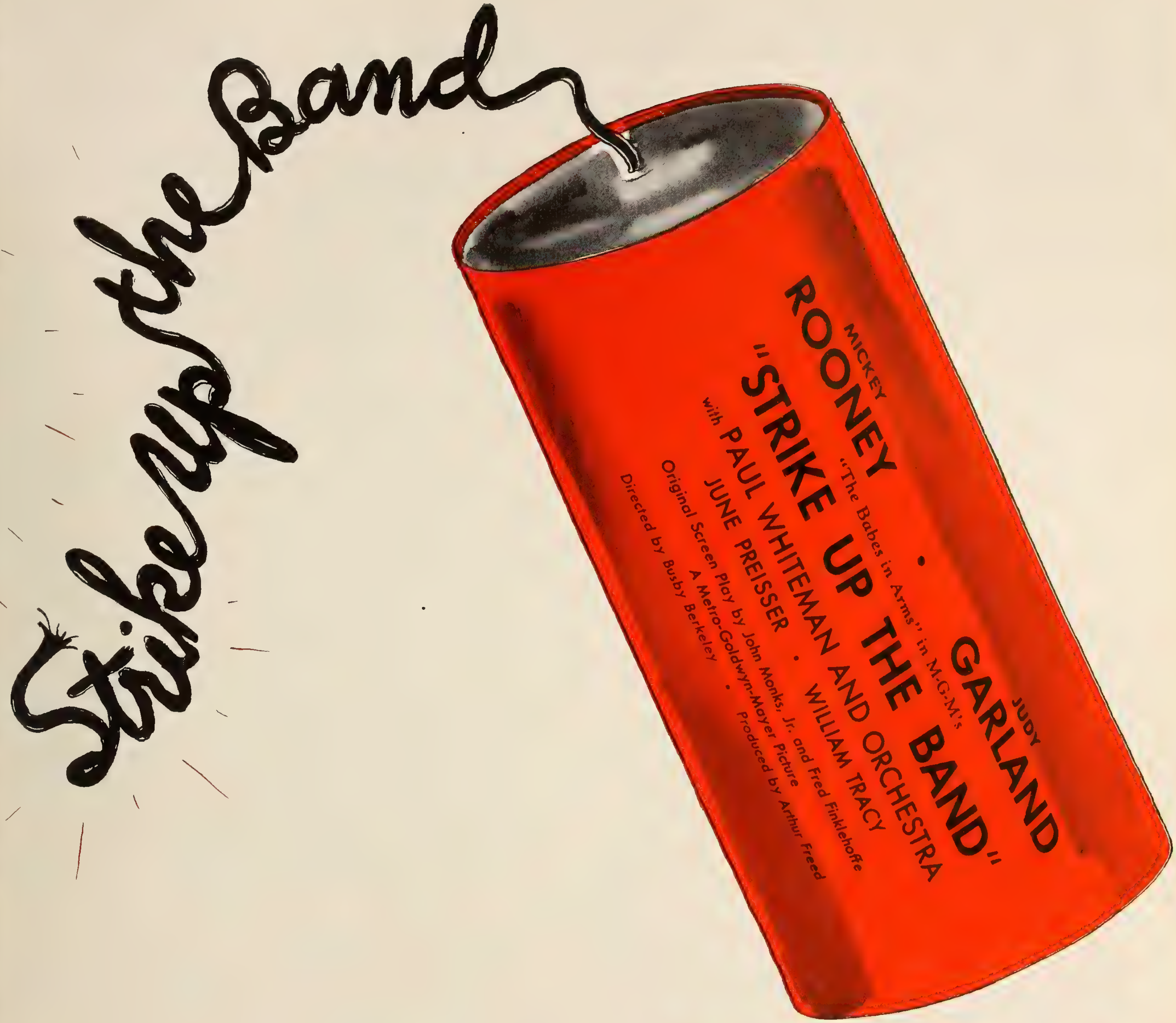
CALIFORNIA
TEXAS ★ ARIZONA

5 FLAGSHIPS DAILY COAST-TO-COAST

★ It's only an overnight skysleeper trip to Los Angeles via American's Famous Sunshine Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAvemeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES
The Sun Country Special 7:05 am
The Plainsman . . . 4:10 pm
The Mercury (Two Sections) 4:45 & 5:10 pm
The Southerner . . . 10:15 pm
(*Standard Time*)

AMERICAN AIRLINES Inc.
ROUTE OF THE FLAGSHIPS



MICKEY ROONEY · JUDY GARLAND

"The Babes in Arms" in M-G-M's

"STRIKE UP THE BAND"

with PAUL WHITEMAN AND ORCHESTRA

JUNE PREISSER · WILLIAM TRACY

Original Screen Play by John Monks, Jr. and Fred Finklehoffe

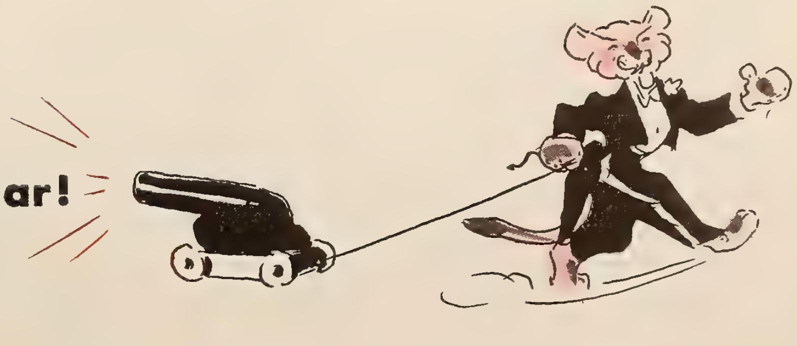
A Metro-Goldwyn-Mayer Picture

Directed by Busby Berkeley · Produced by Arthur Freed

THE NEXT BOOM

from the "Boom Town" Company!

1940-41 is M-G-M's BOOM Year!



Canada to Get National Setup On Clearance

Toronto, Sept. 17.—Final agreement has been reached in the year-long negotiations for the creation of an organization on clearance schedules and priority disputes in Canada, with the decision to establish a National Clearance Board of six members, three to represent the circuits and three for the independents.

This plan finally was adopted following conferences between N. L. Nathanson, president of Famous Players Canadian Corp., and President Harry Alexander and Vice-President N. A. Taylor of the Independent Theatres Association of Ontario. When the National Board starts to function, steps will be taken for the appointment of regional boards to take care of situations in the six trade zones of the Dominion.

At a previous conference in Toronto, a resolution had been adopted providing for a National Board consisting of eight representatives, including two executives to be selected by the film distributors. The latter have now been dropped to give the circuits and independents equal representation.

Some time ago the independents named three men to serve on the National Board, these being Alexander, Taylor and H. Freedman of Toronto, the latter past president of the Ontario association. Under the latest plan, however, this arrangements again has been changed and the three independent representatives will now be named from different sections of the country instead of all from Toronto. One will represent Western Canada, another the territory east from Montreal and the third Ontario. The directors of the Independent Theatres Association of Ontario officially have approved the plan.

Ohio Exhibitors Take Fight to U. S. Court

(*Continued from page* 1)

in the industry and will multiply many fold the disadvantages under which independent theatre owners are now compelled to operate their theatres, and, in addition, will increase film rentals and prevent the elimination of undesirable pictures."

The communication to Judge Goddard, which is believed to be the first exhibitor protest against the block-of-five proposal to be sent direct to the Federal court, was signed by the following exhibitors:

C. A. MacDonald, operating seven theatres; Al Taylor, one theatre; Virgil A. Jackson, five theatres; Max Stearn, one theatre; J. Real Neth, six theatres; R. J. Pullin, one theatre; Mrs. Ethel Miles, 12 theatres; G. E. Rappold, two theatres; George Pekras, two theatres; H. J. Knight, two theatres; Frank J. Ferguson, one theatre, and F. W. Rowlands, four theatres.

McGuire Rites in Chicago

Beverly Hills, Sept. 17.—The remains of William Anthony McGuire, screen writer, are en route to Chicago where funeral services will be held. He died here Monday of a kidney ailment.

Three Stories Bought by 20th-Fox, W. B. Studios

Hollywood, Sept. 17.—Three story purchases by two studios marked the current production news. Twentieth Century-Fox purchased, for a reported $30,000, Stephen Longstreet's novel, "Replenish the Earth," for a high budget production by Kenneth Macgowan. Longstreet wrote "Decade," a best seller last year. Random House will publish "Replenish the Earth," which was bought from manuscript. William Herndon, in association with Sidney Satenstein of New York, was the agent.

Warners acquired "One Foot in Heaven—The Life of a Practical Parson," biography of a Methodist minister by his son, Hartzell Spence, United Press writer, and also an original story by Ronald Reagan, the actor, on the United States Cavalry, to be used as one of the series of patriotic shorts.

• •

Paramount has settled amicably its $170,000 damage suit against Don Ameche and assigned him to the lead in "Kiss the Boys Goodbye," opposite Mary Martin. Mark Sandrich will direct, replacing Victor Schertzinger. Production will start late in November. Paramount's action against Ameche resulted from his refusal to accept a role in "The Night of January 16."

• •

Ellen Drew replaces the announced Barbara Stanwyck in "Reaching for the Sun," Paramount . . . James Stewart and Marjorie Main receive new term contracts at M-G-M . . . Leatrice Joy joins the cast of Monogram's "The Ole Swimmin' Hole" . . . Charles "Buddy" Rogers, husband of Mary Pickford, will be seen in "Golden Hoofs," Jane Withers vehicle at 20th Century-Fox . . . Lucille Ball and George Murphy, the latter borrowed from M-G-M, will have leads in "Three Girls and a Gob," Harold Lloyd production for RKO.

• •

Two orchestra leaders got breaks this week. Tommy Dorsey and his band were signed for Paramount's "Las Vegas Nights," and Bob Crosby and his aggregation were set for RKO's "Let's Find a Song," new title for "Malvina Steps Out." Jean Rogers, borrowed from 20th Century-Fox, and Elizabeth Risdon support. . . . Paramount is seeking Dale Van Every to produce a sequel to "Rangers of Fortune." At the same time, the producer has a tentative deal with RKO to make a series of three pictures based on his story, "Dust Eaters," which appeared in Collier's magazine in 1932. . . . Alexander Korda has signed Luis Alberni and Ronald Sinclair for "Lady Hamilton."

• •

Jeffrey Lynn will support John Garfield and Priscilla Lane in Warners' "The Fabulous Thirties". . . . Republic castings: Jerome Cowan to "Melody Ranch," Cliff Edwards to "Friendly Neighbors". . . . Joan Valerie will support Lloyd Nolan and Marjorie Weaver in 20th Century-Fox's "The Private Practice of Michael Shayne". . . . John Carradine goes over to the "Western Union" cast at the same studio. . . . Paramount has signed Billy Gilbert for "Reaching for the Sun". . . . Alan Dwan has been set to direct "Trail of the Vigilantes," starring Franchot Tone, at Universal. . . .

• •

In support of Rosalind Russell and Melvyn Douglas at Columbia in "This Thing Called Love" are Binnie Barnes, Allyn Joslyn, Gloria Dickson, Joan Storm and Lee J. Cobb . . . Robert Young replaces Don Ameche in the villain role in 20th Century-Fox's "Western Union." It would have been Ameche's first bad man part . . . "Rings on Her Fingers" is the new title for "They Met in Rio" at that studio.

• •

With Edward Cline directing, W. C. Fields' latest at Universal, "The Bank Dick," is under way. Set to support him thus far are Franklyn Pangborn, Russell Hicks and Shemp Howard. . . . Danny Dare, of the local stage hit, "Meet the People," is assistant to producer Sol C. Siegel on Republic's "Melody Ranch". . . . Among the vehicles announced for Rosemary Lane at Warners is "Always a Bride," in which William Lundigan will play opposite her. Noel Smith will direct. . . . Humphrey Bogart will be starred in "Carnival," at Warners, with Joan Leslie, a newcomer, and Eddie Albert supporting. Ray Enright will direct. . . . Chill Wills has been borrowed from M-G-M for 20th Century-Fox's "Western Union". . . . RKO castings: Jack Carson to "Mr. and Mrs. Smith," Keye Luke to "No, No, Nanette," James Craig to "Kitty Foyle."

U. S. Probes Attempt To 'Sabotage' Decree

(*Continued from page* 1)

brought forth the response that the three companies will not be parties to a consent decree, it was learned.

Meanwhile, work on the final legal draft of the proposed decree will be continued by the drafting committee of Government and defense attorneys today, following an all day session yesterday.

Legal circles here studied with interest the consent decree effected by the Government in the Chicago milk case, in which some defendants were not parties to the decree and no provision was made for continuing the prosecution against them. It was also pointed out that in accepting the decree, the defendants in that case made no admission of guilt.

Monogram Reports $179,656 Year Loss

Monogram Pictures Corp. yesterday reported net loss of $179,656 for the year ended June 29, compared with net income of $41,642 for the six months ended June 30, 1939. Because the company changed its fiscal year to end on June 30, no direct comparison with the previous 12 months is available.

Film Purchase Of Play Rights Plan Revived

(*Continued from page* 1)

film companies which back the production of a Broadway play to buy film rights in advance instead of purchasing them from the dramatist in competition with other companies after the play opens. However, the film companies found the proposals unsatisfactory and the Broadway managers likewise rejected the terms.

Film companies are seeking three major changes. Under the new terms adopted by the Guild, the purchase price of the play in advance of production depends on the length of the play's run with a graduated scale of percentages. The film companies seek a ceiling on such payments to prevent exhorbitant prices in the case of freak runs like "Tobacco Road" or "Abie's Irish Rose." In addition the film companies want the picture rights under option instead of an outright sale. Under the terms of an option, the film companies would have to back the play financially and would pay the required $7,500 to the dramatist but would have the option to abandon the rights and discontinue further payments during the play's run. Lastly, the film companies are seeking a better formula for closing a play if it is losing money.

The Broadway managers, on the other hand, seek provisions which will prevent film company employes from acting as Broadway producers. The companies have given assurances that it is not their intention of entering Broadway production except as financial backers with the option of purchasing film rights but the League is seeking stronger provisions in the contract itself.

Play Shortage Seen Hampering Season

(*Continued from page* 1)

regular rate of pay, it is likely that many new shows which lack big name casts will use Sunday nights for their openings. It is planned to stagger the one night which the cast will have off during the week so that there will be some plays on view each night of the week. It was pointed out that the gross for "Sim Sala Bim" for Sunday of last week was twice that on Tuesday of the same week and 50 per cent higher than Monday. These figures are interpreted to mean not only that weekly grosses will increase materially when Sunday shows start but also that managers will be able to cancel either Monday, Tuesday or Thursday performances as the weaker nights and make a stagger system possible.

Publicity Staff Is Set for 'Fantasia'

A special publicity staff has been organized by Hal Horne, Walt Disney manager here, to concentrate on the latest Disney feature, "Fantasia," which will begin a roadshow engagement here late this Fall. The staff will include: Richard Condon, Antoinette Spitzer, Janet Martin and Joseph Heppner, photographer.

42 New Films Now Shooting; Five Finished

HOLLYWOOD, Sept. 17.—Forty-two pictures were before the cameras this week, as eight started and five finished. Twenty-one were being prepared, and 68 were being edited.

The tally by studio:

Columbia

In Work: "Alias the Lone Wolf," "Passage West."

Started: "The Round Up" (tentative title).

M-G-M

Finished: "Bittersweet."

In Work: "Go West," "Flight Command," "Little Nellie Kelly," "Hullabaloo," "Comrade X," untitled Dr. Kildare.

Started: "Fighting Sons."

Monogram

In Work: "The Ole Swimmin' Hole."

Paramount

In Work: "Virginia," "Love Thy Neighbor," "D. O. A.," "The Round Up," "I Wanted Wings."

Started: "Shepherd of the Hills."

RKO

In Work: "Citizen Kane," "You'll Find Out," "No, No, Nanette," "Mr. and Mrs. Smith," "Remedy for Riches," "Li'l Abner," "Kitty Foyle."

Republic

In Work: "Friendly Neighbors," "Who Killed Aunt Maggie?"

Started: "Trail Blazers," "Melody Ranch."

Loew-Lewin

In Work: "Flotsam."

20th Century-Fox

Finished: "The Californian."

In Work: "Chad Hanna," "Hudson's Bay," "Tin Pan Alley."

Started: "Romance of the Rio Grande," "Golden Hoofs."

Universal

Finished: "Bury Me Not on the Prairie."

In Work: "Carribean Holiday," "Streets of Cairo."

Started: "The Bank Dick."

Warners

Finished: "Father Knows Best."

In Work: "Meet John Doe," "Santa Fe Trail," "High Sierra," "The Lady with Red Hair," "South of Suez."

'Boom Town' Is Held At All Runs to Date

"Boom Town" has been held over in all of its 47 regular release engagements to date, as it was during the earlier test runs, all these engagements being at advanced admission prices, M-G-M said yesterday. The Loew circuit is playing the picture at the price increases which have been suggested to other exhibitors.

The film will play a fourth week in Detroit and will be held a third week at a total of 18 situations to date. New third-week situations are Buffalo, San Francisco, Oakland, Philadelphia, Chicago, Providence and Worcester.

Beats a Hotel

KANSAS CITY, Sept. 17.—Jack Truitt, manager of the Electric, Kansas City, Kan., first run, reports the case of the elderly gentleman who came into the theatre when it opened at noon the other day, bought a ticket and walked in with his suitcase. That night at 11:30 P. M., Truitt had to wake him up. He said he wasn't sick, but that he'd been riding the bus all day and needed some rest. In between naps he saw the show.

'McGinty,' Dorsey $21,500 in Buffalo

BUFFALO, Sept. 17.—"The Great McGinty," supported by Jimmy Dorsey and his orchestra and others on the stage, drew a big $21,500 at the Buffalo. "Boom Town" was still strong in its second week at the Great Lakes at advanced prices, ringing up $11,900.

Estimated takings for the week ending Sept. 14:

"The Great McGinty" (Para.)
BUFFALO—(3,489) (35c-40c-60c) 7 days. Jimmy Dorsey and his orchestra, with Bob Eberly, Helen O'Connell and Buddy Schutz on stage, with Cass Daley, Trixie and Tip, Tap & Toe. Gross: $21,500 (Average, $12,000)

"Boom Town" (M-G-M)
GREAT LAKES—(3,000) (44c-65c; kids 20c) 7 days, 2nd week. Gross: $11,900. (Average at 35c-55c, $7,500)

"The Return of Frank James" (20th-Fox)
"Sing, Dance, Plenty Hot" (Rep.)
HIPPODROME—(2,100) (30c-40c) 7 days, 2nd run. Gross: $4,300. (Average, $6,800)

"Lucky Partners" (RKO)
"Wagons Westward" (Rep.)
TWENTIETH CENTURY—(3,000) (30c-40c) 7 days, 2nd week. Gross: $7,500. (Average, $7,500)

"Hired Wife" (Univ.)
"Framed" (Univ.)
LAFAYETTE—(3,000) (30c-40c) 7 days. Gross: $3,200. (Average, $6,300

'Correspondent' at $8,200 in Montreal

MONTREAL, Sept. 17.—"Foreign Correspondent" continued to set the pace for a second week at Loew's with $8,200. "He Stayed for Breakfast" at the Capitol, accounted for $8,000.

Estimated takings for the week ending Sept. 13:

"He Stayed for Breakfast" (Col.)
"Military Academy" (Col.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $8,000. (Average, $8,000)

"Foreign Correspondent" (U. A.)
LOEW'S—(2,800) (30c-40c-60c) 7 days, 2nd week. Gross: $8,200. (Average, $8,000)

"South of Pago Pago" (U .A.)
ORPHEUM—(919) (25c-35c-50c) 7 days, 2nd week. Gross: $1,800. (Average, $5,000)

"I Love You Again" (M-G-M)
PALACE—(2,600) (25c-40c-55c-65c) 7 days, 2nd week. Gross: $6,300. (Average, $9,000)

"Devil's Island" (W. B.)
"Sporting Blood" (M-G-M)
PRINCESS—(2,272) (25c-35c-50c-65c) 7 days. Gross: $3,900. (Average, $5,000)

St. Louis Operator Chiefs Take Stand

ST. LOUIS, Sept. 17.—John P. Nick and Clyde A. Weston, ousted bosses of the operators' union here, took the stand late today in their Federal court trial on charges of violating the racketeering and anti-trust laws. Defense lawyers earlier introduced minutes of meetings of Local 143 during the time the defendants were in control to prove that they reported to the membership on all wage and negotiation matters.

Providence Gives 'Town' Big $14,500

PROVIDENCE, Sept. 17. — "Boom Town" took $14,500 in the second week at Loew's State, and the Disney Festival and "When The Daltons Rode" drew $7,000 at the RKO Albee.

Estimated takings for the week ending Sept. 11-12:

"Walt Disney Festival"
"When the Daltons Rode" (Univ.)
RKO-ALBEE—(2,239) (28c-39c-50c) 7 days. Gross: $7,000. (Average, $6,000)

"Boom Town" (M-G-M)
"Lady in Question" (Col.)
LOEW'S STATE—(3,232) (28c-39c-50c) 7 days, 2nd week. Gross: $14,500. (Average, $11,000)

"Hired Wife" (Univ.)
"Young People" (20th-Fox)
MAJESTIC—(2,250) (28c-39c-50c) 7 days. Gross: $7,000. (Average, $7,000)

"Rhythm on the River" (Para.)
"Island of Doomed Men" (Col.)
STRAND—(2,200) (28c-39c-50c) 7 days, 2nd week. Gross: $6,500. (Average, $6,000)

"The Sea Hawk" (W.B.)
CARLTON—(1,526) (28c-39c-50c) 7 days, 2nd week. Gross: $3,000. (Average, $3,500)

"Earthbound" (20th-Fox)
"Ride, Tenderfoot, Ride" (Rep.)
FAY'S—(1,800) (15c-28c) 7 days. Gross: $2,500. (Average, $2,500)

"Ladies Must Live" (W. B.) (3 days)
"Military Academy" (Col.) (3 days)
"Pride and Prejudice" (M-G-M) (4 days)
"The Boys from Syracuse" (Univ.) (4 days)
EMPIRE—(2,200) (20c-28c) 2nd run. Gross: $1,500. (Average, $1,700)

Allege Ouster Attempt

EMPORIA, Kan., Sept. 17.—On ground that the defendants sought to lease the Lyric here away from them and buy pictures away from them, E. O. Briles and Mrs. Briles have sued A. J. Simmons, Burlington, Kan.; Warren Weber, St. John, Kan.; E. L. Johnston and others.

'Comedy' Gets Good $18,700, Philadelphia

PHILADELPHIA, Sept. 17.—Grosses were at high levels, with "No Time for Comedy" giving the Boyd $18,700 and "Foreign Correspondent" at the Fox taking $17,200. "Boom Town" drew $24,100 in its second week at the Earle.

Estimated takings for the week ending Sept. 11-13:

"Kit Carson" (U. A.)
ALDINE—(1,400) (35c-41c-46c-57c-68c) 9 days. Gross: $9,300. (Average, $9,000)

"Golden Fleecing" (M-G-M)
"Young People" (20th-Fox)
ARCADIA—(600) (35c-46c-57c) 1 day, 2nd run; 3 days, 2nd run; 4 day average. Gross: $1,000. (Average, $2,600)

"No Time for Comedy" (W. B.)
BOYD—(2,400) (35c-41c-46c-57c-68c) 7 days. Gross: $18,700. (Average, $13,000)

"Boom Town" (M-G-M)
EARLE—(4,000) (46c-57c-73c) 7 days, 2nd week. Gross: $24,100. (Average, $14,000)

"Foreign Correspondent" (U. A.)
FOX—(3,000) (35c-41c-46c-57c-68c 7 days. Gross: $17,200. (Average, $13,000)

"I Love You Again" (M-G-M)
KARLTON—(1,000) (35c-41c-46c-57c-68c) 7 days, 2nd run, 3rd week. Gross: $4,800. (Average, $3,000)

"The Sea Hawk" (W. B.)
KEITH'S—(2,200) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $4,900. (Average, $4,500)

"Lucky Partners" (RKO)
STANLEY—(3,700) (35c-41c-46c-57c-68c) 7 days, 2nd week. Gross: $7,100. (Average $14,000)

"He Stayed for Breakfast" (Col.)
STANTON—(1,700) (35c-46c-57c) 7 days, 2nd run, 2nd week. Gross: $4,800. (Average, $4,500)

Presenting...
HUGH HERBERT in
HIT PARADE OF 1941
starring
Kenny BAKER · Frances LANGFORD
Hugh HERBERT · Mary BOLAND · Ann MILLER
PATSY KELLY · PHIL SILVERS · STERLING HOLLOWAY
DONALD MacBRIDE · BARNETT PARKER
FRANKLIN PANGBORN · SIX HITS AND A MISS
Borrah MINEVITCH and his HARMONICA RASCALS · John H. Auer—Director
Republic PICTURE
AND A BRILLIANT CAST OF SCREEN AND RADIO STARS!

'Wife' Takes Good $20,000 Loop Gross

CHICAGO, Sept. 17.—"Hired Wife" and "The Mummy's Hand" at the Palace took $20,000. "He Stayed for Breakfast," with a stage show at the Chicago accounted for $38,000. "Boom Town" drew $17,000 at the Roosevelt and $16,000 at the United Artists.

Estimated takings for the week ending Sept. 13:

"I Love You Again" (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days, 2nd week. Gross: $4,500. (Average, $6,500)
"He Stayed for Breakfast" (Col.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Variety stage show. Gross: $38,000. (Average, $32,000).
"Rhythm on the River" (Para.)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: $5,000. (Average, $5,000)
"Ladies Must Live" (W. B.)
ORIENTAL—(3,200) (25c-40c) 7 days. Stage: Mary Carlisle & Stage Show. Gross: $14,000. (Average, $13,000)
"Hired Wife" (Univ.)
"The Mummy's Hand" (Univ.)
PALACE—(2,500) (35c-40c-60c) 7 days. Gross: $20,000. (Average, $13,000)
"Boom Town" (M-G-M)
ROOSEVELT—(1,500) (50c-65c-75c-85c) 7 days, 2nd week. Gross: $17,000. (Average, $11,000)
"God's Country" (Rep.)
STATE-LAKE—(2,700) (25c-40c) 7 days. Stage: Carlos Molina & Band. Gross: $17,000. (Average, $15,000)
"Boom Town" (M-G-M)
UNITED ARTISTS—(1,700) (50c-65c-75c-85c) 7 days, 2nd week. Gross: $16,000. (Average, $14,000)
"Gone With the Wind" (M-G-M)
WOODS—(1,100) (75c-$1.10-$1.50) 7 days, 33rd week. Gross: $8,500.

Union Concession in Cincinnati Contract

CINCINNATI, Sept. 17.—Despite previous secrecy on the agreement between theatremen and operators, it is learned from a high executive source that the two-year contract of Sept. 1, 1939, was abrogated, and a new pact drawn between the approximately 50 theatres in the Greater Cincinnati Independent Theatres group and Local 327.

The contract previously in force provided for an increase of $5 per week per operator, to become effective Sept. 1 of this year. The new contract, on a three-year basis from Sept. 1, continues the original scale for one year, when it automatically increases $2.50 per week per operator, with a similar yearly boost thereafter. The present scale, graduated according to seating capacity, is approximately $55 to $65 for seven nights and Sunday matinee, with one-eighth additional for Saturday matinee.

"The generous action of the local deserves the highest praise, and we keenly appreciate it, coming as it does, at a time when the exhibitors are confronted with perplexing problems heretofore unknown to us," declared a spokesman for the independent group in commenting generally on the new agreement.

Theatres Aid Fight To Check Paralysis

JANESVLLE, Wis., Sept. 17.—To cooperate in checking the spread of infantile paralysis here, the Jeffris, Myers, Beverly and Apollo Theatres have announced they will not admit children under 14 years of age unless accompanied by their parents.

Theatre Changes

Warners to Build

PHILADELPHIA, Sept. 17.—Work has started on the demolition of Warner's Germantown. A new and modern theatre will be constructed on the present site.

Building House in Maryland

BALTIMORE, Sept. 17.—Construction has started on a new theatre in Ellicott City, outside of Baltimore. It is a project of Leo H. Homand, who owns and operates the Westway here. The new house will seat 500.

Lease Connecticut House

BROADBROOK, Conn., Sept. 17.—Jack Dorland, former Paramount salesman, and Mrs. Joseph Markhoff of the Moodus, Colchester, and East Hampton, Conn., theatres, have leased the 400-seat Broadbrook, Conn., for 6-dav operation.

Buys Charlotte House

CHARLOTTE, N. C., Sept. 17.—The Charlotte Theatre property here has been sold to S. W. Craver who operates a Virginia circuit. The house is now leased by Harry K. Lucas.

Reopen Virginia Theatre

FARMVILLE, Va., Sept. 17.—The remodeled State Theatre has opened here under the management of Russell Williams.

Plan Georgia Theatre

CARROLLTON, Ga., Sept. 17.—Construction of a second film theatre for Carrollton will be begun shortly by R. E. Martin Theatres.

Closing Connecticut Theatre

SOUND VIEW, Conn., Sept. 17.—John S. P. Glackin will close the Strand, Sound View, one of the few Connecticut Summer houses, on Oct. 14, for the Winter months.

Redecorate Canadian Houses

ST. JOHN, N. S., Sept. 17.—Theatres in this area recently redecorated include: The Family here and Community in Halifax of the Franklin & Herschorn Circuit; and the Dundas and the Mayfair in Dartmouth.

Leases House in Ohio

LEESBURG, O., Sept. 17.—Nelson Muntz, co-publisher of the Leesburg *Citizen* and New Vienna *Reporter,* has leased the 200-seat Roxy here from Charles Fant of Sabina, O. He will operate the house evenings only on Friday, Saturday, Sunday and Monday.

Shift Wilmington Managers

WILMINGTON, Sept. 17.—Changes in the management of three Warner theatres in Wilmington include: Lee Levy, named manager of the downtown Arcadia, which reopened recently; Sidney Munter, manager of the Queen, and Frederick Leopold, manager of the Grand, have exchanged positions.

Remodel Arkansas House

KANSAS CITY, Sept. 17. — Cecil Mayberry is completely remodeling and reequipping his Basin Theatre at Eureka Springs, Ark., with new sound, projection and seats.

Reopening Kansas House

KANSAS CITY, Sept. 17.—Ercil Arnold, who has the Avon at Hillsboro, Kan., has taken over the Chapman at Chapman, Kan., and is reopening it.

Leases Columbus Theatre

COLUMBUS, O., Sept. 17.—The Central States Amusement Co., headed by Virgil Jackson and John Murphy, have leased the 500-seat Alhambra, neighborhood unit of the original Chesbrough circuit.

Cut Theatre Operation

MOODUS, Conn., Sept. 17.—Joseph and Ted Markhoff have ceased Wednesday and Thursday operation of the 335-seat Moodus here with the end of the Summer. Colchester remains full time for the present. and East Hampton will stay on a six-dav schedule until October.

To Manage New Jersey House

FLORENCE, N. J., Sept. 17.—John Geyser has been appointed manager of the new Florence Theatre here, to be opened shortly by Morris Panson of New Brunswick, N. J.

Pittsburgh Gives 'Boom' Big $28,000

PITTSBURGH, Sept. 17.—Exploitation and raised prices gave Loew's Penn a record $28,000 for "Boom Town." The second of "Sea Hawk" at the Stanley drew $16,000.

Estimated takings for the week ending Sept. 12:

"Return of Frank James" (20th-Fox)
ALVIN—(1,800) (28c-39c-55c) 6 days, 2nd week. Gross: $4,000. (Average, 7 days, $7,000)
"Sailor's Lady" (20th-Fox)
"The Outsider" (Alliance)
FULTON—(1,700) (28c-44c) 7 days. Gross: $2,200. (Average, $4,500)
"Boom Town" (M-G-M)
LOEW'S PENN—(3,400) (34c-44c-65c) 7 days. Gross: $28,000. (Average, $13,000)
"I Love You Again" (M-G-M)
RITZ—(800) (28c-39c-55c) 7 days, 4th week. Gross: $2,800. (Average, $4,000)
"The Sea Hawk" (W. B.)
STANLEY—(3,600) (44c-65c) 7 days, 2nd week. Gross: $16,000. Average, $13,000)
"Rhythm on the River" (Para.)
WARNER—(2,000) (28c-39c-55c) 7 days, 2nd week. Gross: $4,800. (Average, $5,000)

'Boom Town' Pulls $14,500, Baltimore

BLTIMORE, Sept. 17. — "Boom Town," in its second week at the Century, drew a strong $14,500. "Hired Wife" accounted for $11,000 at Keith's and "The Sea Hawk" scored $13,000 in the Stanley week.

Estimated takings for the week ending Sept. 12:

"Boom Town" (M-G-M)
CENTURY—(3,000) (29c-39c-60c) 7 days, 2nd week. Gross: $14,500. (Average, $10,000)
"Hired Wife" (Univ.)
KEITH'S—(2,406) (15c-28c-33c-44c) 7 days. Gross: $11,000. (Average, $8,000)
"Lucky Partners" (RKO)
HIPPODROME—(2,205) (15c-28c-39c-55c-66c) 7 days, 2nd week. Stage show: Four acts topped by The Quintones; and Cappy Barra Boys. Gross: $10,000. (Average, $14,000)
"Public Deb. No. 1" (20th-Fox)
NEW—(1,581) (15c-28c-35c-55c) 7 days. Gross: $6,000. (Average, $7,000)
"The Sea Hawk" (W. B.)
STANLEY—(3,280) (29c-39c-60c) 7 days, 2nd week. Gross: $13,000. (Average, $12,000)

'Boom Town' Tops Seattle With $20,000

SEATTLE, Sept. 17.—"Boom Town" at the Fifth Avenue and Paramount at advanced prices was good for a total gross of $20,000, taking $11,00 at the Fifth Avenue where it continues a second week, and $9,000 at the Paramount. The weather was warm.

Estimated takings for the week ending Sept. 13:

"Rhythm on the River" (Para.)
"Charlie Chan at the Wax Museum" (20th-Fox)
BLUE MOUSE—(950) (30c-40c-50c) 7 days, 2nd week. Gross: $3,300. (Average, $4,000)
"Boom Town" (M-G-M)
FIFTH AVENUE—(2,500) (40c-50c-65c) 7 days. Gross: $11,000. (Average, $7,000)
"He Stayed for Breakfast" (Col.)
LIBERTY—(1,800) (30c-40c-50c-65c) 7 days, 2nd week. Gross: $3,600. (Average, $5,000)
"Kit Carson" (U. A.)
"The Girl from Avenue A" (20th-Fox)
MUSIC BOX—(950) (30c-40c-50c) 7 days, 2nd week. Gross: $3,900. (Average, $4,000)
"Dance, Girl, Dance" (RKO)
"One Crowded Night" (RKO)
ORPHEUM—(2,450) (30c-40c-50c) 7 days. Gross: $4,800. (Average, $6,000)
"They Drive by Night" (W. B.)
PALOMAR—(1,500) (25c-30c-40c-50c) 7 days, 2nd week. Vaudeville headed by Jerry Ross. Gross: $5,500. (Average, $5,000)
"Boom Town" (M-G-M)
PARAMOUNT—(3,050) (40c-50c-65c) 7 days. Gross: $9,000. (Average, $6,000)

'Town' at $13,000; Kansas City Slow

KANSAS CITY, Sept. 17. — Cool weather and no outside competition failed to help first runs much. "Boom Town" and "The Lady in Question" at advanced prices gave the Midland big money for the second consecutive week, grossing $13,000.

Estimated takings for the week ending Sept. 10-12:

"Public Deb. No. 1" (20th-Fox)
ESQUIRE—(800) (28c-40c) 7 days. Gross: $1,500. (Average, $2,200)
"Boom Town" (M-G-M)
"The Lady in Question" (Col.)
MIDLAND—(4,000) (35c-40c-60c) 7 days, 2nd week. Gross: $13,000. (Average, $9,500)
"Rhythm on the River" (Para.)
NEWMAN—(1,900) (28c-44c) 7 days, 2nd week. Gross: $4,000. (Average, $7,000)
"Lucky Partners" (RKO)
"Beyond Tomorrow" (RKO)
ORPHEUM—(1,500) (28c-44c) 7 days. Gross: $4,100. (Average, $5,000)
"Pier 13" (20th-Fox)
TOWER—(2,200) (30c) 7 days. Stage: Della Carroll, the Girl Who Said "No" to Hitler; Fid Gordon, Mirth & Mack. Gross: $5,800. (Average, $6,000)
"Public Deb No. 1" (20th-Fox)
UPTOWN—(2,000) (28c-44c) 7 days. Gross: $2,000. (Average, $3,000)

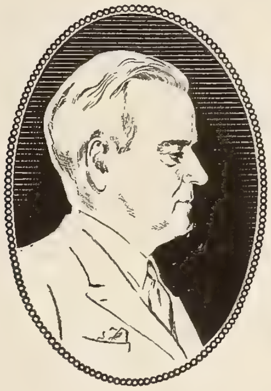
'Boom Town' Omaha's Leader with $12,200

OMAHA, Sept. 17.—"Boom Town" brought $12,200 to the Omaha on a single-feature, advanced price basis and was held for a second week.

Estimated takings for the week ending Sept. 11-12:

"He Stayed for Breakfast" (Col.)
"Millionaires in Prison" (RKO)
BRANDEIS—(1,200) (30c-40c-44c) 7 days. Gross: $4,800. (Average, $4,000)
"Boom Town" (M-G-M)
OMAHA—(2,000) (40c-55c) 7 days. Gross: $12,200. (Average, $6,000)
"The Sea Hawk" (W. B.)
"Charlie Chan at the Wax Museum" (20th-Fox)
ORPHEUM—(3,000) (30c-44c) 7 days. Gross: $8,300. (Average, $7,200)

Out September 28th



The Martin Quigley twenty-fifth anniversary edition of Motion Picture Herald will be published in the issue of September 28th.

Commemorating Martin Quigley's twenty-five years of service to the industry, this issue will present a panorama of the astounding growth of the industry in prestige, influence and commercial importance and will be an inspiration to every person in the business.

Color Not to Delay Video On Standards

CBS color television developments will not cause a delay in the fixing of television standards by the National Television Systems Committee, a committee spokesman declared yesterday after a general meeting at the Hotel Roosevelt. Further meetings are scheduled for the remainder of the week. The committee hopes to have standards set and approved by the FCC by Jan. 1.

CBS yesterday demonstrated color to George Henry Payne of the FCC; Rear Admiral S. C. Hooper, and E. K. Jett, FCC chief engineer. Technical details were explained to the group and special emphasis was laid on the ability of a control to change relative color values. Such control, it was said, permits the use of the same camera under both indoor and outdoor light conditions.

Meanwhile Allen B. Du Mont, head of the Du Mont Laboratories, discounted the CBS development because it uses a mechanical rather than electronic method. Mechanical methods are subject to the greater possibility of breakdowns.

Du Mont asserted that there have been many demonstrations during the past decade of color television which employed the principle of a revolving disk in front of camera and receiver. He explained that his engineers are working on an electronic method for color but that he considers it as an ultimate goal far beyond the immediate problems of black-and-white television. For the present, Du Mont said, the industry "had better concentrate on commercializing good black-and-white television before essaying colored television."

AFRA Parleys Continue

A further mediation meeting between representatives of the American Federation of Radio Artists and networks was held yesterday at the office of William H. Davis, chairman of the New York State Labor Mediation Board. Satisfactory progress was reported but details of the meeting were not disclosed. A further session will be held Friday at 10 A. M.

Roach Wins Suit

Los Angeles, Sept. 17.—Echoes of Hal Roach's plan two years ago to make films with Vittorio Mussolini were heard today in Superior Court here when Judge Myron Westover dismissed as "not meriting validity" a suit for $30,000 brought against Roach by Dr. Renato Senise for allegedly making contacts in the deal.

Ask Mayors to 'Rockne'

All mayors in the United States will be invited to attend the premiere of Warners' "Knute Rockne—All American," at South Bend, Ind., Oct. 4. The invitations will be extended by Mayor Jesse I. Pavey of South Bend.

Off the Antenna

NATIONAL Association of Broadcasters has formed a permanent conference committee to meet with the FCC on broadcasting problems. Eugene Pulliam, WIRE, Indianapolis, is chairman, and W. C. Alcorn, WBNX, is vice chairman. Others on the committee include Philip J. Hennessy, NBC; Kenneth Raine, CBS; and Reed T. Rollo, MBS. A committee on frequency modulation is headed by John V. Hogan, WQXR.

• • •

Purely Personal: *Warren Gerz has been promoted to the magazine section of the NBC publicity office. John McTighe is handling commercial scripts and Al Kastner has been shifted to the night assignment. . . . William E. Sonnemann has joined WOR as assistant to Charles Van Loan, head of the accounting department. . . . Jack Fulton, formerly featured vocalist with Paul Whiteman, has joined the staff of WLW, Cincinnati.*

• • •

In answer to an inquiry, the FCC states that there are now pending 270 applications for additional facilities in the standard broadcast band, of which 56 are for construction permits for new stations.

• • •

Brooklyn Dodger baseball fans have set Saturday as "Radio Appreciation Day" as acknowledgment for the WOR broadcasts of this and last season. Borough President John Cashmore, on behalf of the Brooklyn Chamber of Commerce, will present plaques to Red Barber and Al Helfer, who did the broadcasts, and Larry McPhail, head of the Dodgers. The latter, incidentally, believes that the daily broadcasts had a large part in boosting attendance over the million mark last year and it is certain to pass it again this season.

• • •

Program News: *Mars, Inc., will add 36 NBC-Red stations for "Dr. I. Q." Monday, Oct. 7, to bring the station total to 95. . . . About 60 stations will be used for a five-minute news show over NBC-Blue for Nash Kelvinator beginning Sept. 30. The program will be heard at 9:30 Mondays through Saturdays and will be the first NBC sponsored newscast. John B. Kennedy will be the announcer. . . . Julius J. Colby, WMCA drama editor, is posting cards in theatres where plays open which he will review.*

• • •

The FCC reveals that James Stewart, the film star, has been assigned call letters KHJIM for the transmitter aboard his private plane at Santa Monica, Cal.

Extras Suspended On Threat Charges

Hollywood, Sept. 17. — Screen Actors Guild today announced suspension of two extras following their trial on charges of conduct unbecoming Guild members, involving the casting situation.

Jack Gordon was suspended for six months after which he will go on probation for a year. Mike Morelli was dropped for 60 days, with one-year probation. During the suspension period, neither will be allowed to work in films.

The Guild said that at the trial Central Casting Corp. officials charged Gordon and Morelli had attempted to intimidate Central Casting employes in an effort to obtain work.

Republic Closes Deal

Chicago, Sept. 17.—Republic has closed a new season product deal with Publix Great States Circuit of Illinois and Indiana. James R. Grainger, president; Irving Mandel, franchise holder, and Harry Lorch, Chicago manager, acted for Republic, and J. J. Rubens, Henry Stickelmeier and John Dromey acted for the circuit.

Phila. Local Leaves A.G.V.A. Over Ouster

Philadelphia, Sept. 17.—At a special meeting of the American Guild of Variety Artists branch here today, the local voted to withdraw temporarily from the actors' union and continue functioning independently as the United Entertainers Association. The move follows the ouster of Tom Kelly as executive secretary of the local, which was rejected unanimously by the membership earlier in the day at a meeting at which Dewey Barto, national president, presided.

At Wedding Luncheon

Mr. and Mrs. Lynn Farnol, Florence Lake, Marion Baldwin, Harold Ross, Lela Rogers and Anne Shirley were among the guests at a luncheon at the Ritz Towers yesterday following the wedding of Phyllis Fraser, cousin of Ginger Rogers, to Bennett Cerf, publisher.

McVeigh on Campaign

Hollywood, Sept. 17.—Blake McVeigh, recently resigned as Warners publicity head here, has been appointed publicity director in Hollywood for the Democratic campaign.

Mexican Houses Assist Each Other

Mexico City, Sept. 17.

A NOVELTY in the way of plugging their current feature films has been introduced by four of the leading local houses, the Alameda, Rex, Olimpia and Iris, in the form of a five-minute exhibition of trailers at each other's theatres.

This innovation was adopted when these houses ceased advertising with the local newspaper, *El Universal*, in retaliation for the publication of a story to the effect that these exhibitors were in trouble with their workers. The story, it is said, was prompted because the houses had advised the paper that they must reduce their advertising expenditure with it.

Seabury to Aid AFM In Musicians' Battle

Samuel Seabury has been retained to represent the American Federation of Musicians in the injunction proceedings brought against the union by the American Guild of Musical Artists, it was revealed yesterday in the N. Y. Supreme Court. Justice Aron Steuer granted a postponement on the injunction motion until tomorrow.

A.G.M.A. seeks to restrain the A.F.M. from enforcing an order by James C. Petrillo, president, which would ban concert instrumentalists from radio, films, the stage and concerts unless the latter join the A.F.M.

Trampe Hits Bingo— And is Himself Sued

Milwaukee, Sept. 17.—The American Luther Association, whom Charles W. Trampe, local exhibitor and head of Film Service, Inc., is seeking to restrain from holding Bingo games, has been ordered to file an answer to Trampe's suit within 10 days after an examination of the plaintiff before Court Commissioner Charles A. Orth.

Trampe and the Variety Club are defendants in an action to restrain alleged gambling at the club in the Schroeder Hotel here. Action against Trampe and the club has been filed in Circuit Court here by Arthur T. Nodroft.

Bingo in Cincinnati Declines in August

Cincinnati, Sept. 17.—Although there were more licensed Bingo parties here in August than July, attendance and receipts were less, according to figures released by the Police Department, where records are kept.

Total August attendance was 259,56 at 218 parties. Gross was $194,792.51; prizes, $46,455.02, leaving a net of $148,337.49 to sponsoring organizations. July figures were 208 parties with attendance of 261,453. Gross was $197,961.55; prizes, $47,262.25, and net $150,699.30. Average net cost per person was 58 cents.

Frawley Rites Held

Funeral services were held here yesterday morning for Edward P. Frawley, brother of G. B. J. Frawley, Paramount executive, who died Saturday. Services were held at St. Barnabas Church.

Plan Basketball League

A motion picture basketball league is being formed with most of the film companies expected to be represented. The Loew-M-G-M team started preparations for the season with a practice session Monday night.

Italian Film Opens

The American premiere of "The Fatal Document," Italian film, will open today at the Cine Roma. Esperia Film Distributing Co. is handling distribution here.

Rogers Day at Fair

Today will be Roy Rogers Day at the World's Fair, with a full day's program prepared for the Republic singing Western star.

FILE COPY
DO NOT REMOVE

M. P. PRODUCERS &
DISTRIBUTORS OF AM., INC
28 WEST 44TH ST.,
NEW YORK,
N. Y.
(3 COPIE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News

VOL. 48. NO. 57 NEW YORK, U. S. A., THURSDAY, SEPTEMBER 19, 1940 TEN CENTS

Columbia Wins Vital Point in Schine Action

Court Orders Separate Bill of Particulars

Buffalo, Sept. 18.—Columbia today won a Federal court order for a separate bill of particulars from the Government in the anti-trust suit against the Schine circuit and major distributors in Federal court here.

U. S. District Judge John Knight signed the order directing the Government to furnish Columbia with an itemized list of 34 alleged violations of the Sherman Act. Among the particulars which the Government was ordered to furnish were the names of exhibitors alleged to have been "systematically excluded" from the opportunity to procure high-class films under fair, competitive conditions on first or preferred runs; the names of each exhibitor whom the Government claims was forced out of business or compelled to dispose of his theatre, and the identification of each situation

(*Continued on page* 4)

Coast Flashes

Hollywood, Sept. 18.

FEDERAL authorities here are waiting for William Bioff, I.A.T.S.E. leader, who is scheduled to be released from jail in Chicago on Friday and is expected here Monday. If he shows up, he will be arraigned before Federal Judge Ralph Jenney for the fixing of a trial date on two charges of violating income tax laws, court attaches said today. Sept. 23 was the date for setting the trial when Bioff posted $5,000 bail on the Government charges before going to Chicago to serve his six-months sentence.

●

Pat O'Brien has been appointed Hollywood chairman for the Democratic campaign. Others on the local committee are Ralph Block, secretary; Bryan Foy, treasurer, and Abe Lastfogel and Sid Grauman, assistant treasurers. The advisory committee includes John Considine, Jr., chairman, and Winfield Sheehan, Douglas Fairbanks, Jr., Alice Faye, Dorothy Lamour, Leo Carrillo, Edward G. Robinson, Miriam Hopkins.

●

Louis B. Mayer has been appointed chairman of the industry committee for the Los Angeles Community Chest.

BEST SEASON AT MUSIC HALL WITH TOTAL GROSS $4,000,000

By SAM SHAIN

The 1939-'40 season was the most successful in the seven-year history of the Radio City Music Hall. The theatre, under the direction of W. G. Van Schmus, grossed upwards of $4,000,000 for this period, or an average weekly gross of more than $81,000.

During the past season, the theatre played the product of five companies, and of these M-G-M product consumed 14 weeks for six pictures; United Artists, 13 weeks for five pictures; RKO, 11 weeks for seven pictures; Columbia, eight weeks for four pictures; and Warners, six weeks for two pictures.

David O. Selznick's "Rebecca," released by United Artists, had the longest individual run, playing six weeks, as well as the biggest individual gross. "Pride and Prejudice," M-G-M's biggest grosser, played four weeks, grossing about $400,000, being among the very few pictures to have played at the Rockefeller Center citadel for more than three weeks.

Metro-Goldwyn-Mayer also reaped the largest film rental, its six pictures garnering more than $300,000, on a percentage basis. United Artists was next with a gross rental of more than $200,000 for its five pictures.

Stockholders Vote New Cohn Contracts

New three-year employment contracts for Harry Cohn, Columbia president, and Jack Cohn, vice-president, were approved by the company's stockholders at their annual meeting at the home office yesterday.

Both executives were reelected to the board at the meeting. Other directors elected at the meeting were: Nate B. Spingold, Abe Schneider, Charles Schwartz, Dr. A. H. Giannini and Leo M. Blancke.

The new contracts for the president and vice-president provide for the restoration out of profits of the 33 1/3 per cent salary cuts which they accepted voluntarily a year ago. They provide for salaries of $2,500 weekly, plus $300 a week for expenses, and 12

(*Continued on page* 4)

Paramount to Hold Tournament Today

More than 85 Paramount executives and their guests, headed by Adolph Zukor, will gather this morning at the Adolph Zukor golf course at New City, N. Y., for the 13th annual Paramount golf tournament.

John McDermott and Joseph Wood head the arrangements committee. Numerous prizes will be awarded.

Executives scheduled to tee off include: Neil F. Agnew, Oscar Morgan, Leonard Goldenson, W. B. Cokell, Sam Dembow, Fred Mohrhardt, Leon Netter, Edwin Weisl, P. A. Raibourn, C. J. Scollard, Arthur Israel, Jr., M. F. Gowthorpe, Fred Leroy, Bob Weitman, Harry Kalcheim, Hiller Innes, Frank Meyer, Dr. E. Stern, E. A. Brown, A. L. Pratchett, John Barry, Al Deane, Harry Royster.

(*Continued on page* 4)

Pa. Bans 'Ramparts' After Approving It

Philadelphia, Sept. 18.—In an unprecedented move, the Pennsylvania state film censor board today ordered suppression of "The Ramparts We Watch," which opened this morning at the Senate, Harrisburg, and the Park, Reading, despite the fact that the board had approved the March of Time-RKO film Aug. 9.

Acting on orders from the Attorney General's office, State troopers closed the Senate and Park at 6 o'clock this evening. The picture had been shown at both houses despite the censor ban.

Mrs. Edna R. Carroll, chairman of the censor board, said the reason for ordering the film suppressed was the insertion of two reels since the picture was first reviewed.

"These reels," she said, "contain

(*Continued on page* 4)

Authorize New York Television Station

Washington, Sept. 18.—Construction of a fourth television station in New York City was authorized today when the Bamberger Broadcasting Service, owner of WOR, Newark, was granted a permit by the FCC ratifying a tentative grant made last June.

The station will operate in the No. 6 channel on 90-102 m. c. with 1,000 watts power, aural and visual. The station will experiment with vertical and horizontal antenna systems, use of a frequency modulation sound carrier and various line and frame combinations. The experimental program calls for an outlay of more than $100,000, it was said.

Jackson Gets Decree Draft For Approval

Goes to Judge Goddard Here on Oct. 7

The consent decree is now before U. S. Attorney General Robert Jackson in Washington, it was learned last night. His final approval of the substance of the decree, already agreed upon in principle, is being awaited by the parties to the anti-trust suit in New York.

The delivery to the Attorney General of the proposed decree, without recommendations for changes, narrows the hopes of exhibitors for elimination of the block-of-five selling provision to which they object down to Attorney General Jackson and Federal Judge Henry W. Goddard. The latter will receive the decree on Oct. 7 as it now stands unless the Attorney General acts on the exhibitors' protests in the meantime.

With the decree now in the Attorney General's hands, it would appear that Assistant Attorney General Thurman Arnold was not sufficiently impressed with the exhibitors' arguments against the block-of-five provision to initiate a change. Any change which might be forthcoming from the Government is now up to the Attorney General.

Meanwhile, work on the legal draft of the decree continues.

Foreign Status Up At Hays Board Meet

Foreign problems confronting the industry highlighted the quarterly meeting of the M.P.P.D.A. directors yesterday. Will H. Hays, president, reported on West Coast activities during his summer stay there. The meeting was adjourned to next Tuesday for further consideration of problems, due to the absence of three or or four company heads.

Preparations for the industry's participation in national defense and the annual Red Cross campaign in November also were discussed.

Attending in addition to Hays, were: Nicholas M. Schenck, president of Loew's; George J. Schaefer, president of RKO: Barney Balaban, president of Paramount; Joseph H. Hazen, representing Harry M. Warner; Frederick W. Herron, chief of the Hays office foreign department; W. C. Michel, 20th Century-Fox executive vice-president, and Earle W. Hammons.

Fine Gesture

Cleveland, Sept. 18.—Canadian soldiers in London use "The Cleveland Canteen," which for 10 weeks has been supported by six anonymous Cleveland theatre men. Through W. Ward Marsh, *Plain Dealer* film columnist, they have invited contributions from other Clevelanders. If enough join in the movement, another canteen will be opened.

Defense Plans Delay 1939 Industry Data

WASHINGTON, Sept. 18.—Issuance of reports by the Census Bureau on the 1939 operations of the motion picture industry, covered in the 1940 census of manufacturing and business, will be delayed until data has been compiled on 75 industries important in the national defense program, it was learned today.

The reports on the 75 industries were requested by the National Defense Advisory Commission in connection with its efforts to secure up-to-date data on the output and potential capacity of existing plants in those lines, to determine the necessity for expansion to meet national defense requirements.

In the normal course of its operations, the reports on motion picture production and exhibition would have been among those compiled within the next few months but census bureau officials today refused to hazard a prediction as to when it now will be possible to prepare them.

Seeks to Set Aside RKO Lawyer Award

Application was made yesterday before Federal Judge Samuel Mandelbaum by George L. Schein, attorney for the independent protective committee of RKO common stockholders, to set aside an award of $8,000 and $1,325 in disbursements made to Schein as a final allowance for services in the RKO reorganization proceedings on the ground that the amount awarded is "utterly inadequate."

Schein had applied to Federal Judge William Bondy for an allowance of $100,000 and $1,404 disbursements, claiming that he had been active in the reorganization for the past five years.

Ambassador Again Changes Admission

ST. LOUIS, Sept. 18.—A new scale of admission prices has been set for the Ambassador Theatre, now in its fourth week of the single bill, reserved-seat policy. From opening until 2 P. M., all seats will be 35 cents and from 2 P. M. to 6 P. M., 45 cents.

After 6 P. M., balcony seats, which will continue unreserved, will be 45 cents and main floor and mezzanine seats will be reserved at 50 cents and 75 cents. Continuous showings will run until 8:10 P. M.

Celebrates Anniversary

PHILADELPHIA, Sept. 18.—Sheldon Mandell, manager of the 56th St. Theatre, a William Goldman house, has arranged for an "Americanization Night" on Friday to mark the fifth anniversary of the theatre.

Personal Mention

COLONEL WILLIAM J. DONOVAN, RKO counsel, returned to New York by plane yesterday from an official visit to Hawaii and the West Coast in the company of Secretary of War Frank Knox.

•

MRS. WILLIAM WYLER arrived from the Coast on the Stratoliner yesterday to be with her husband, the director, who was taken ill while visiting here.

•

WILLIAM E. GARITY, chief engineer of the Walt Disney Studios on the Coast, has arrived to confer with HAL HORNE on the selection of a house for the Broadway premiere of "Fantasia."

•

WILLIAM BLUMBERG, son of BEN BLUMBERG of National Theatre Supply Co., Philadelphia, was married last Sunday to THELMA WEBER.

•

WILLIAM DEVANEY, office manager of the M-G-M branch in Cincinnati, is vacationing in Long Island.

•

CHARLES FINDLAY, formerly with March of Time in Europe, has arrived from a visit in Omaha, his home town.

•

FRED STROM, executive secretary of Northwest Allied, and his family, will move from their summer residence at Forest Lake, Minn., to their Winter home in St. Paul on Oct. 1.

LEON NETTER, Paramount home office theatre official, has returned from a series of conferences with affiliated circuit executives in the South.

•

LEON NETTER, AUSTIN KEOUGH, OWEN DAVIS, SAM SHAIN, HARRY GOETZ, WILLIAM F. RODGERS, INA RAY HUTTON, LOUIS DREYFUS, ED SAUNDERS and JOHN GOLDEN at Nick's Hunting Room in the Astor for lunch yesterday.

•

JAMES MULVEY, IRVING LESSER, CHARLES STERN, AL YOUNG and ARTHUR SILVERSTONE having lunch at Lindy's (51st St.) yesterday.

•

HARRY GOLD, JOHN WRIGHT, OSCAR LEVANT, MARVIN SCHENCK, JOSEPH LEE, EUGENE PICKER and MILTON BERLE lunching yesterday at Lindy's (next to the Rivoli).

•

PAT A. POWERS, ROCCO VOCO, MAURICE BERGMAN and SAM TALPERN at the Tavern yesterday for lunch.

•

VICTOR JURGENS, cameraman for March of Time, left for San Francisco by plane yesterday en route to Australia.

•

E. L. PEASLEE, president of Northwest Allied, has returned to his headquarters in Minneapolis after a Coast business trip.

'Police' Premiere for Five Regina Theatres

All five of Regina, Saskatchewan's theatres will be utilized by Paramount for the Canadian premiere of "North West Mounted Police," to be held there Oct. 21, Robert M. Gillham, Paramount advertising and publicity director, said yesterday on his return from Canada, where he held several screenings of the picture for government officials and Dominion exhibitors.

Madeleine Carroll and Lynn Overman will be guests of honor at the Canadian premiere, the program for which will be broadcast over Canadian and United States networks. The Governer of Texas and the Premiers of Canadian Provinces will be asked to attend.

Union May Strike Over Music Machines

CHICAGO, Sept. 18.—Unless the nickel-in-slot music machines are removed from the State Theatre, Elkhart, Ind., at once, the local operators have orders to walk out at once, it was learned here tonight through union sources. The musicians union has been protesting the "mechanical music" at the theatre and has obtained the support of the operators.

Goldenson, Dembow West

Leonard Goldenson and Sam Dembow, Jr., Paramount home office theatre executives, will leave today for an extended tour of the company's Far Western theatre operations. They will visit Salt Lake City, Los Angeles, Phoenix and Beaumont, Texas, returning East from there.

250 at Cincinnati Golf Club Tourney

CINCINNATI, Sept. 18.—Approximately 250 members and guests attended the sixth annual Variety Club golf tournament at nearby Summit Hills Country Club. James J. Grady, manager of the local 20th Century-Fox exchange, and Harold Merton were tied with a score of 83 for the club championship, the award for which is a leg on the silver cup, donated in 1935, on which Joseph J. Oulahan, Paramount manager, has two out of the three winning legs.

Paul Krieger, former Universal manager, won the gold cup trophy donated by Chief Barker Arthur Frudenfeld. The affair was in charge of William Devaney, M-G-M office manager, and Andrew Niedenthal, exhibitor, assisted by William Onie, John M. Allen, Joel Golden, William Koegel and Anthony Koegel.

Cinema Lodge Meets

Cinema Lodge, B'nai B'rith, held its first Fall meeting last night at the Edison Hotel, with A. W. Schwalberg, president, presiding. Plans were discussed for the first annual banquet and ball to be held Oct. 26 at the Pennsylvania Hotel. Dr. A. L. Sachar of the Hillel Foundation, was a speaker. Schwalberg announced the death yesterday of Myles Alben's father. Alben is with Warners' legal department.

Theatre Seeks Writ

People's Cinema, Brooklyn, yesterday applied for an injunction to restrain Local 306 operators' union from picketing the theatre until a contract dispute is submitted to arbitration. The union is suing to enforce a contract made in January, 1937.

Forth Worth Ready For Opening Today

FORT WORTH, Sept. 18.—This Texas city today completed elaborate preparations for the two-theatre world premiere of the Samuel Goldwyn-United Artists picture, "The Westerner," at the Worth and Hollywood theatres tomorrow evening.

Groups of notables from Hollywood and executives and representatives of the press will attend from Hollywood and New York, in addition to civic and social leaders of this city and the State of Texas. A second premiere will be held in Dallas on Friday evening, which will be attended by many of the guests at the Fort Worth opening.

Host at the party here will be Amon Carter, wealthy newspaper publisher and oil man. Mr. and Mrs. Samuel Goldwyn, Mr. and Mrs. Gary Cooper, Mr. and Mrs. Walter Brennan, Doris Davenport and Mr. and Mrs. William Wyler headed the guest list from Hollywood. Cooper is the film's star, Brennan and Miss Davenport have supporting roles, and Wyler directed the picture.

Mayor I. N. McCrary has proclaimed "Westerner Week" and a school holiday has been declared tomorrow, in preparation for the parade which will follow the arrival of the plane loads of guests from Hollywood and New York. "The Westerner" will be shown on a roadshow reserved seat basis tomorrow evening, with popular price runs following on Friday.

Reports Purchase Of Trans Lux Stock

WASHINGTON, Sept. 18.—Acquisition of 100 shares of Trans Lux Corp. common stock in July by Robert L. Daine, bringing his holdings to 2,700 shares, was reported tonight by the Securities and Exchange Commission in its second summary for the month.

This was the only current film transaction reported, but the summary included a return from Benjamin B. Kahane showing that he held 231 Columbia common voting trust certificates when he was elected an officer June 26, 1939, and disposed of his entire holdings in October of last year.

Reports on the interests of persons becoming officers or directors of registered corporations showed that Henry Ginsberg held 100 shares of Paramount common stock when he became an officer in that company.

MOTION PICTURE
DAILY
(*Registered U. S. Patent Office*)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

And a great TIME was had by all!

ALL OPENINGS SHOW THAT NO TIME FOR COMEDY IS WARNERS' TOP COMEDY CLEAN-UP SINCE BROTHER RAT!

(Held over all over—3rd week now N. Y.!)

JAMES STEWART
ROSALIND RUSSELL
in 'NO TIME FOR COMEDY'
with **GENEVIEVE TOBIN • CHARLIE RUGGLES**
Allyn Joslyn • Clarence Kolb • Louise Beavers
Directed by WILLIAM KEIGHLEY
Screen Play by Julius J and Philip G Epstein • From the Stage Play by S N BEHRMAN • Produced by Katharine Cornell and the Playwrights' Company
A Warner Bros.-First National Picture

Columbia Wins Vital Point in Schine Action

(Continued from page 1)

in which the Government alleges that any of the defendants monopolized first and preferred runs through conspiracy with distributor defendants.

Columbia, some time ago, took exception to the bill of particulars which the Government agreed to furnish and which was accepted by the other defendants in the case. As a result, it furnished an amended bill for the Government to answer and it was this bill which the court approved today.

Columbia is the only defendant in the case which has not filed its answer to the Government's complaint, and now has 40 days after receiving the Government's answers to its separate bill of particulars, in which to answer the complaint. In the meantime, no trial date can be set.

Reserves Decision On Cassil's Petition

St. Joseph, Mo., Sept. 18.—Arguments on petition for a bill of particulars were taken under advisement by Federal Judge Merrill E. Otis in the anti-trust suit of Eugenia and Frank Cassil of the Rialto here against major distributors and the Dubinsky Brothers circuit for $450,000.

Defendants in the suit want more particulars. The Cassil attorneys argued that their original petition is sufficient. The suit charges the circuit and distributors with conspiring to injure the business of the Cassils.

Paramount to Hold Tournament Today

(Continued from page 1)

Among the guests scheduled to attend are: N. L. Goldstein and William Althaus, Western Mass. Theatres; James Cron, Motion Picture Daily; Clinton Lake, Harry V. Smith and Eugene Levy, of Newburgh; Fred Schaefer, Netco Circuit; Sam Pinanski, M & P Theatres; A. O. Dillenbeck, Buchanan & Co.; W. J. German, Jules E. Brulator; George T. Burgess and F. B. Foster of Erpi; N. Oakley, Dupont; Charles Casanave and Don Velde, Advertising Accessories, Inc.; Ralph Austrian and B. Schultz, RCA; K. Cortelyou, General Electric; L. W. Conrow, Altec; Edward Murphy; Ed Hartley, National Theatre Supply; Ed Gaylor, A. J. Powers, and John Confort.

Producers Opens Branches

Hollywood, Sept. 18.—Five new branches have been opened by Producers Releasing Corp., Harry Rathner of New York, president, said here today. They are: Atlanta and Charlotte, by Ike Katz; Oklahoma City, W. S. Quade; Little Rock, S. A. Arnold; New Orleans, F. F. Goodrow.

Para. Names Blaustein

Hollywood, Sept. 18.—Julian C. Blaustein, assistant story editor at Paramount, was named today to succeed Richard Halliday, who has resigned as story editor.

Pa. Board Bans 'Ramparts' Because of Added Reels

(Continued from page 1)

German-made films of the Nazi invasion. 'The Baptism of Fire' is nothing for the public to see. The board thinks it is psychologically bad for the people and contrary to American morals and customs." Asked whether she did not think it would be good for the public to see first hand "what Americans must realize they were up against," Mrs. Carroll said, "I don't think so. The film when we received it was complete enough."

Jay Emanuel, operator of the houses, was notified here at noon today that he must cease showing these pictures by 1 P. M. or state troopers would confiscate it. Defying the censor board, Emanuel said, "This is the most outrageous action in the history of censorship. I shall fight the ruling tooth and nail." The film, which was booked for a week, will not be taken out, he said. "I have engaged attorneys at Harrisburg to seek injunctions against the state officials to stop interference," he said.

During the matinee performances, Emanuel ordered the projection booths locked from the inside and no one admitted. He added there was something strange in the board's action since when the film was first reviewed "Mrs. Carroll went into ecstasy over it, proclaiming it a great American film and something that every American should see." Emanuel charged that the board's action was motivated by Dr. Francis B. Haas, state superintendent of education, who allegedly told the censors he received complaints against the film after the early morning show. Mrs. Carroll denied that Dr. Haas contacted the board, which is under his jurisdiction.

Rochemont to Philadelphia To Confer With Officials

Louis de Rochemont, producer of March of Time, left last night for Philadelphia to confer with Mrs. Carroll and state police officials in an effort to have the ban lifted. He said his information was that the Pennsylvania censor board felt that the added sequences "might have an influence on some people against the draft." There has been no action against the film elsewhere.

Stockholders Vote New Cohn Contracts

(Continued from page 1)

per cent of the net profits in excess of dividends on the preferred stock, but not more than $3,500 weekly, for Harry Cohn, and $1,500 weekly, plus $200 a week expenses, and six per cent of the net profits computed as above, but not more than $2,000 weekly, for Jack Cohn.

The contracts were modified to include a provision whereby payments under the sharing arrangements will be made to these officers only if cash dividends are declared and paid to the common shareholders. In order for these officers to obtain the maximum amount under their sharing contracts a cash dividend disbursement of $1.00 per share will have to be made to the common stockholders, the company stated.

Price, Waterhouse & Co. was designated independent auditor for the company.

Irish American Film Company Is Formed

H. Threlkeld-Edwards, president of the Non-Theatrical Pictures Corp., and William Alexander have formed the Irish American Film Corp. for the distribution of Irish-made films in the United States and Canada.

The first release will be Pat Stanton's 11-reel natural color travel feature of Ireland titled, "Here Is Ireland." It is the first feature all-color film made of the country.

Equity Revises Rule

Actors Equity Council has revised its rules to prevent "discrimination by a legitimate stage producer against any member of the cast for union activities." Heretofore the rules forbade only discrimination against the Equity deputy on each show.

Would Strip Chicago Censors of Powers

Chicago, Sept. 18.—Earl Dickerson, colored alderman, today introduced an amendment to the censor ordinance which would not require a permit for any picture restricted to audiences over 20 years of age. The amendment would deprive the censors of the power to ban films for adults.

A picture decreed by the censor board as being unfit for minors under the amendment would be shown only if a large sign were posted saying that it was not licensed for exhibition to patrons under 21 years.

The proposed amendment is a result of the banning by the police censor of "Pastor Hall," which opens at the B. & K. Apollo on Friday, after Mayor Kelly had ordered the censor ruling reversed. The amendment was referred to the judiciary committee for a report on its legality.

Competition in St. Louis

St. Louis, Sept. 18.—Theatres in this area are expecting stiff competition for the next few weeks with the start of the gigantic "Cavalcade," sponsored by local firemen for their pension fund. William Morris Agency is producing the show, which is expected to cost nearly $75,000. It features Tom Mix and 450 entertainers and will be given twice daily for the next two weeks. More than 100,000 tickets have been sold by the firemen for the show.

Offer New Amplifiers

S. O. S. Cinema Supply Corp. has developed a new group of theatre amplifiers, which are claimed to have greater tonal realism, and to provide several new refinements. J. L. Rifkin, chief designing engineer of the company, developed the new apparatus.

'Margie' and Band $22,000 Boston Lead

Boston, Sept. 18.—"Margie," supported by Glenn Miller and his orchestra on the stage of the Keith Boston, drew a strong $22,000. "The Sea Hawk" and "Charlie Chan at the Wax Museum" took $18,000 at the Metropolitan.

Estimated takings for the week ending Sept. 11:

"Margie" (Univ.)
KEITH BOSTON—(3,200) (30c-40c-55c-65c) 7 days, Glen Miller orchestra on stage. Gross: $22,000. (Average, $8,000)

"Lucky Partners" (RKO)
"Argentine Nights" (Univ.)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $13,500. (Average, $16,000)

"The Sea Hawk" (W. B.)
"Charlie Chan at the Wax Museum" (20th-Fox)
METROPOLITAN — (4,367) (25c-35c-40c-55c) 7 days. Gross: $18,000. (Average, $15,500)

"Sporting Blood" (M-G-M)
"Public Deb. No. 1" (20th-Fox)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 days. Gross: $7,000. Average, $7,500)

"Sporting Blood" (M-G-M)
"Public Deb. No. 1" (20th-Fox)
FENWAY — (1,320) (25c-35c-40c-55c) 7 days. Gross: $4,100. (Average, $4,500)

"The Great McGinty" (Para.)
"My Love Came Back" (W. B.)
SCOLLAY — (2,500) (25c-35c-40c-55c) 7 days. Gross: $3,500. (Average, $4,000)

"I Love You Again" (M-G-M)
"Blondie Has Servant Trouble" (Col.)
LOEW'S STATE—(3,000) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $12,500. (Average, $12,000)

"I Love You Again" (M-G-M)
"Blondie Has Servant Trouble" (Col.)
LOEW'S ORPHEUM—(2,900) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $18,000. (Average, $17,500)

All Amusements Face Columbus Licenses

Columbus, O., Sept. 18.—Amusement enterprises which provide theatre competition will be compelled to pay a license fee if the 18 measures now being considered by city officials are passed by the City Council. These are designed, through licensing of various forms of commercial activities, to raise an estimated $300,000 annually for the city treasury.

Bingo and similar games would be assessed $100 a year, and patrons would be required to obtain permits from the city at one cent each. Cash prizes would be prohibited. A license would be necessary for music played in public places, the fee depending upon the type and style of the offerings. Road, variety and sports shows, as well as dance and other contests, would be compelled to pay a fee. Some of the theatres would be participants in the plan, since vending machines would be assessed $5 per year, out of fairness to those selling similar merchandise, and who are compelled to pay a fee.

Scenic Artists to Vote

Hollywood, Sept. 18. — The N.L.R.B. has set Sept. 26 and 27 for about 130 scenic artists to decide their bargaining agency. The choice will be between the Scenic Artists Association and the painters' union, or neither. Jurisdictional battles over the scenic artists have been waged since 1933. Studios affected are Warners, Paramount, M-G-M, RKO, 20th Century-Fox, Columbia, Universal, Goldwyn and Roach.

‘Partners’ Is Frisco’s High With $18,000

SAN FRANCISCO, Sept. 18.—Aided by big attendance on the state’s Admission Day holiday, “Lucky Part[illegible]s” took $18,000 at the Golden [illegible]e. “The Sea Hawk” drew $16,500 in the second week at the Fox. “Boom Town” took $14,500 in the second week at the Warfield.

Estimated takings for the week ending Sept. 10-13:

“Lucky Partners” (RKO)

GOLDEN GATE—(2,850) (40c-50c-55c) 7 days. Stage: Vaudeville. Gross: $18,000. (Average, $15,000)

“Slightly Tempted” (Univ.)
“Lady in Question” (Col.)

ORPHEUM — (2,440) (15c-35c-40c-50c) 7 days. Gross: $7,200. (Average, $8,000)

“The Sea Hawk” (W. B.)

FOX—(5,000) (15c-35c-40c-50c) 7 days, 2nd week. Gross: $16,500. (Average, $16,000)

“Charlie Chan in Wax Museum (20th-Fox)
“Public Deb No. 1” (20th-Fox)

PARAMOUNT—(2,740) (15c-35c-40c-55c) 7 days. Gross: $10,500. (Average, $11,500)

“South of Pago Pago” (U. A.)

UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days, 2nd week. Gross: $5,000. (Average, $8,000)

“Rhythm on the River” (Para.)
“Girl from God’s Country” (Rep.)

ST. FRANCIS—(1,400) (15c-35c-40c-50c) 7 days, 2nd week. Gross: $5,800. (Average, $6,000)

“Boom Town” (M-G-M)

WARFIELD—(2,680) (15c-35c-40c-50c) 7 days, 2nd week. Gross: $14,500. (Average, $12,000)

“The Baker’s Wife” (Foreign)

CLAY—(400) (15c-39c-44c-55c) 7 days, 12th week. Gross: $1,100. (Average, $1,000)

‘Town’ Sets St. Louis Pace, Takes $17,000

ST. LOUIS, Sept. 18.—“Boom Town,” continuing its strong business at the Loew’s State here, grossed $17,000 in its second week.

Estimated takings for the week ending Sept. 12:

“Boom Town” (M-G-M)

LOEW’S STATE—(3,162) (35c-44c-59c-65c) 7 days, 2nd week. Gross: $17,000. (Average, 28c-39c-44c-56c scale—$13,000)

“Brigham Young” (20th-Fox)

AMBASSADOR — (3,018) (35c-50c-75c) 7 days. Gross: $10,000. (Average, 28c-39c-44c 56c scale—$11,500)

“Lucky Partners” (RKO)
“One Crowded Hour”

FOX — (5,038) (28c-39c-44c-50c) 7 days. Gross: $11,000. (Average, $11,000)

“Slightly Tempted” (Univ.)

MISSOURI — (3,514) (28c-39c-44c-56c) George Jessel and stage show, including Rochelle Hudson, Jean Parker, Lya Lys, Steffi Duna and Jean Gary. Gross: $8,500. (Average, $4,000)

“The Mummy’s Hand” (Univ.)

ST. LOUIS—(4,000) (25c-35c) 7 days. Gross: $1,900. (Average, $2,600)

‘McGinty,’ Calloway Lead Indianapolis

INDIANAPOLIS, Sept. 18.—Cab Calloway’s band and revue on the stage and “The Great McGinty” on the screen took a strong $12,000 at the Circle.

Estimated takings for the week ending Sept. 13:

“The Great McGinty” (Para.)

CIRCLE—(2,800) (28c-33c-44c) 7 days. Stage: Cab Calloway band and revue. Gross: $12,000. (Average, $6,000)

“Hired Wife” (Univ.)
“Millionaires in Prison” (RKO)

INDIANA—(3,200) (28c-33c-44c) 7 days. Gross: $6,200. (Average, $5,500)

“He Stayed for Breakfast” (Col.)
“Gold Rush Maisie” (M-G-M)

LOEW’S—(2,800) (28c-33c-44c) 7 days. Gross: $7,600. (Average, $7,000)

“Pier 13” (20th-Fox)

LYRIC—(2,000) (28c-33c-44c) 7 days. Stage: “Bowery Music Hall Follies.” Gross: $8,200. (Average, $8,000)

Feature Reviews

“Thundering Frontier”

(Columbia)

Efforts to erect a telegraph communications system and the hampering maneuvers of saboteurs is the basic theme about which “Thundering Frontier” revolves. Paul Franklin’s original screenplay called for a substantial amount of gunplay and numerous opportunities for “The Sons of the Pioneers,” a singing group, to harmonize typical Western tunes.

Charles Starrett and Iris Meredith are convincing in the leading roles, while good support is given by Rafael Bennett, Alex Callam, Carl Stockdale and Bob Nolan. D. Ross Lederman directed.

Starrett is the son of a bank owner who is killed in a struggle with another son, the latter inheriting the bank. Miss Meredith is the daughter of a pioneer in telegraphy to whom the bank has extended a large loan. With the help of Starrett, the telegraph system is finally completed but only after fights and gun duels, in one of which his brother is killed.

The film is typical Western fare embellished by the appearances of the singers.

Running time, 51 minutes. “G.”*

“Hell’s Cargo”

(Mycroft-Film Alliance of U. S.)

Timely and exciting, “Hell’s Cargo,” produced in England by Walter C. Mycroft, is a story of the joint efforts of three officers of the French, British and Russian navies, respectively, to run down an outlaw ship carrying a cargo of poison gas. The gas becomes dangerous when mixed with salt water and the scuttling of the outlaw ship creates a huge cloud of gas which imperils all shipping in the path of the huge cloud.

There are many tense moments as the three commanders, all on board a French warship, decide to risk going through the poisonous cloud to rescue a boat in the cloud’s path. Walter Rilla, Kim Peacock and Robert Newton take the principal roles.

The action takes place before the estrangement of the British and French navies and, as a matter of fact, the war is ignored entirely. Current interest in new methods of warfare and the possibility that gas may be used by belligerents point up the interest in this story.

Originally the story was produced in France by Espinay Studios Eclair under the title “S.O.S. Mediterranean.” It was intended to be an argument for pacifism and to show that the men of France, England and Germany are substantially the same. “Hell’s Cargo” follows the French film in almost exact detail with the substitution of a Russian officer for the German and the use of English dialogue instead of French.

Running time, 73 minutes. “G.”* EDWARD GREIF

---

*“G” denotes general classification.

Film Library Forms New Screen Class

Items from the Griffith and Fairbanks film collections and old Biograph motion pictures will be shown to the 40 students of the motion picture class now being formed by the Film Library of the Museum of Modern Art. The pictures will be taken from the archives of the Library and will be shown for illustration purposes during lectures.

The film course will be the fourth conducted by the Library. Registration will be held next week with the class scheduled to meet Oct. 2. Among those who addressed last year’s class were: Frank Powell, Rouben Mamoulian, Joris Ivens, Nunnally Johnson, Arthur de Bra, Luis Bunuel and Lothar Wolff.

Buys Philadelphia House

PHILADELPHIA, Sept. 18. — Nick Lacas has bought the Douglas, closed for many years, to be reopened late in the month with William J. Haggerty as house manager. Saul Cohen has taken over the operation of the Blackwood, Blackwood, N. J. George Kurlansik, owner of the Towne, Allentown, Pa., is opening his new Cameo there late in the month. George Naudacher closed the Cambria here for alterations.

Checking Mexican Theatre Tax Base

MEXICO CITY, Sept. 18. — As the Civic Government’s annual final quarter checkup on gross receipts of film houses starts on Oct. 1, the Mexican producers’ association is making most attractive offers for the exhibition of Mexican pictures during this period. The checkup is to strike a gross average on which to base theatre taxes during the ensuing year.

Reports that they will lay off quality American films during this tax check period so as to make their imposts less in 1941, are vigorously denied by the exhibitors.

Emilio Portes Gil, who since his retirement from the presidency of Mexico 10 years ago has been one of this country’s leading lawyers, has turned picture producer. He is making “Con Su Amable Permiso” (“With Your Gracious Leave”), a comedy which he helped to write, at a local studio.

Modernization along conservative lines will start Oct. 1 on the Cine Olimpia, built 20 years ago by William E. Jennings, American who amassed a fortune in copper mining in Mexico. The theatre is now managed by Edmund B. Noonan, part owner and the only American theatre manager in Mexico.

‘Partners’ Is $14,300 Lead, Los Angeles

LOS ANGELES, Sept. 18.—“Lucky Partners” and “Millionaires in Prison” drew a total of $14,300 at two houses, $7,200 at the Pantages and $7,100 at the Hillstreet, in a poor week for grosses generally.

Estimated takings for the week ending Sept. 18:

“The Great Profile” (20th-Fox)
“We Who Are Young” (M-G-M)

CHINESE—(2,500) (33c-44c-55c-75c) 7 days. Gross: $8,900. (Average: $12,500)

“Pride and Prejudice” (M-G-M)

4 STAR—(900) (44c-55c) 7 days, 5th week. Gross: $3,200. (Average: $3,250)

“Lucky Partners” (RKO)
“Millionaires in Prison” (RKO)

HILLSTREET—(2,700) (33c-44c-55c-75c) 7 days, 2nd week. Gross: $7,100. (Average: $6,500)

“The Great Profile” (20th-Fox)
“We Who Are Young” (M-G-M)

LOEW’S STATE—(2,500) (33c-44c-55c-75c) 7 days. Gross: $8,000. (Average: $14,000)

“Lucky Partners” (RKO)
“Millionaires in Prison” (RKO)

PANTAGES—(3,000) (33c-44c-55c-75c) 7 days, 2nd week. Gross: $7,200. (Average: $7,000)

“I Want a Divorce” (Para.)

PARAMOUNT—(3,595) (33c-44c-55c-75c) 5 days, 2nd week. Stage: Orrin Tucker & Orchestra with Wee Bonnie Baker. Gross: $13,000. (Average: $18,000)

“Flowing Gold” (W.B.)
“Calling All Husbands” (W.B.)

WARNER BROS. (Hollywood)—(3,000) (33c-44c-55c-75c) 7 days. Gross: $8,100. (Average: $14,000)

“Flowing Gold” (W.B.)
“Calling All Husbands” (W.B.)

WARNER BROS. (Downtown)—(3,400) (33c-44c-55c-75c) 7 days. Gross: $9,500. (Average: $12,000)

Rooney, ‘McGinty’ $39,000, Cleveland

CLEVELAND, Sept. 18.—Mickey Rooney and “The Great McGinty” at Loew’s State last week drew $39,000, which is the best since Jack Benny set the house mark at $40,000 two years ago. “The Sea Hawk” at the Hippodrome drew $15,000.

Estimated takings for the week ending Sept. 12:

“Lucky Partners” (RKO)

ALLEN—(3,000) (33c-39c-47c) 7 days, 2nd week. Gross: $4,000. (Average, $4,000)

“The Sea Hawk” (W. B.)

WARNERS’ HIPPODROME—(3,800) (33c-39c-47c) 7 days. Gross: $15,000. (Average, $11,000)

“Argentine Nights” (Univ.)

RKO PALACE—(3,100) (33c-47c-55c) 7 days. Ben Bernie and orchestra on stage. Gross: $9,000. (Average, $13,500)

“The Great McGinty” (Para.)

LOEW’S STATE—(3,500) (33c-47c-55c) 7 days. Mickey Rooney and show on stage. Gross: $39,000. (Average at 33c-39c-47c—$11,000)

“Foreign Correspondent” (U.A.)

LOEW’S STILLMAN—(1,900) (33c-39c-47c) 7 days, 2nd week. Gross: $6,500. (Average, $4,000)

Northio Managers Meet

CINCINNATI, Sept. 18. — Northio Theatre Co. managers from Marion, Middletown, and Hamilton, O., and Danville, Ky., met here for a meeting with Tracy Barham, general manager, to discuss policies and other routine matters. They were guests of Barham at the Variety Club’s annual golf tournament at the Summit Hills Country Club.

Jory Signed for Serial

HOLLYWOOD, Sept. 18.—Larry Darmour today signed Victor Jory for the title role in “The Green Archer.”

MOTION PICTURE DAILY'S BOOKING CHART

Dates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After Titles Denote the Following: (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action. Production Numbers Follow Titles.

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Aug. 23	He Stayed for Breakfast (C) *Loretta Young* *Melvyn Douglas*		Range Busters (O) Queen of the Yukon (O) 3903	The Great McGinty (C) 3945 *Brian Donlevy*	Oklahoma Renegades (O) 061 *3 Mesquiteers*	Dance, Girl, Dance (D) 040 Wildcat Bus (D) 043	Pier 13 (D) 106 *Lynn Bari* *Lloyd Nolan*			Flowing Gold (D) 412 *Pat O'Brien* *John Garfield*
Aug. 30	Five Little Peppers in Trouble (D) *Edith Fellows*	Boom Town (D) 48 *Clark Gable* *Spencer Tracy*	Who Is Guilty? (D) *Ben Lyons* *Barbara Blair*		Earl of Puddlestone (C) 924 *The Gleasons*	Lucky Partners (D) 038 *Ginger Rogers* *Ronald Colman*	Young People (D) 109 *Shirley Temple* *Jack Oakie*	Kit Carson (O) *Lynn Bari* *Jon Hall*		Sea Hawk (D) 401 *Errol Flynn* *Brenda Marshall*
Sept. 6	Fugitive From a Prison Camp (D) *Jack Holt* *Marion Marsh*	Dr. Kildare Goes Home (D) 101 *Lew Ayres* *L. Barrymore*	Up in the Air (D) 3914 *Frankie Darro*	Rhythm on the River (M) 4001 *Bing Crosby* *Mary Martin*	Ride, Tenderfoot, Ride (O) 043 *Gene Autry* *Smiley Burnett*	Men Against the Sky (D) 101 *Richard Dix*	Chan at Wax Museum (D) 110 *Sidney Toler*		Argentine Nights (M) 50-13 *Ritz Brothers* *Andrew Sisters*	Calling All Husbands (C) *George Tobias* *Ernest Truex*
Sept. 13	Before I Hang (D) *Boris Karloff* *Evelyn Keyes*	Wyoming (D) 102 *Wallace Berry* *Leo Carrillo*	The Ape (D) 4001 *Boris Karloff*		Girl from Havana (D) 017 *O'Keefe-Carleton*	Dreaming Out Loud (C) 102 Wagon Train (O) 181	Elsa Maxwell's Public Deb. No. 1 (C) 105	The Great Dictator (C) *Charles Chaplin*	Hired Wife (C) 50-06 Leather Pushers (D) 50-51	No Time for Comedy (C) *Stewart-Russell-Ruggles*
Sept. 20	Howards of Virginia (D) *Cary Grant* *Martha Scott*	Haunted Honeymoon (D) 104 *R. Montgomery*		I Want A Divorce (D) 4002 *Joan Blondell* *Dick Powell*	Colorado (O) 051 *Rogers-Hayes*	I'm Still Alive (D) 103 *Kent Taylor* *Linda Hayes*	Yesterday's Heroes (D) 116 *Sterling-Rogers*	The Westerner (O) *Gary Cooper* *Walter Brennan*	Mummy's Hand (D) Ragtime Cowboy Joe (O) The Fugitive (D)	City for Conquest (D) *James Cagney* *Ann Sheridan*
Sept. 27	Angels Over Broadway (D) *D. Fairbanks, Jr.* Glamour for Sale (D)	Strike Up The Band (M) 103 Sky Murder (D) 105	That Gang of Mine (D) *Gorcey-Jordon*	Rangers of Fortune (O) 4003 *MacMurray-Morris*	Under Texas Skies (O) 062 *3 Mesquiteers*	Triple Justice (O) 086	Brigham Young (D) 107 *Tyrone Power* *Linda Darnell*	Thief of Bagdad (D) *Conrad Veidt* *Sabu*	Spring Parade (M) *Deanna Durbin* *Robert Cummings*	East of the River (D) *Garfield-Marshall*
Oct. 4	So You Won't Talk (C) *Joe E. Brown* *F. Robinson*	Dulcy (C) 106 *Ann Sothern* *Ian Hunter*	Drums of the Desert (D) *Ralph Byrd*	The Quarterback (C) *Wayne Morris* *Virginia Dale*	Frontier Vengeance (O) 072 *Don "Red" Barry*	The Villain Still Pursued Her (C) 105 *Herbert-Louise*	Gay Caballero 108 *Cesar Romero* *Robert Sterling*		Diamond Frontier (D) *McLaglen-Nagel*	Knute Rockne-All American (D) *O'Brien-Page*
Oct. 11		Third Finger Left Hand (C) *Myrna Loy* *Melvyn Douglas*	Old Swimmin' Hole (D) 4010 *Moran-Jones*	Moon Over Burma (D) *Dorothy Lamour* *Robert Preston*	Melody and Moonlight (M) 005 *Johnny Downs*	Too Many Girls (M) 106 *Ball-Carlson*	The Great Profile (C) 111 *John Barrymore*		Tropical Sinners (D) *Dietrich-Wayne*	
Oct. 18	Nobody's Children (D) *Edith Fellows* *Billy Lee*		You're Out of Luck (D) *Frankie Darro*	Christmas in July (C) *Dick Powell* *Ellen Drew*	Hit Parade of 1941 (M) 001 *Kenny Baker* *Frances Langford*	Laddie (O) 107 *Tim Holt* *V. Gilmore*	Night Train (D) 114 *M. Lockwood* *Rex Harrison*		Slightly Tempted (C) 50-24 *Hugh Herbert*	
Oct. 25	West of Abilene (O) Girls Under 21 (D)	Escape (D) 108 *Norma Shearer* *Robert Taylor*	Parson of Devil's Gap (O) Sign of the Wolf (D)	Cherokee Strip (O) *Richard Dix* *Florence Rice*	Young Bill Hickok (O) 052 *Roy Rogers*	You'll Find Out (M) 108 *Kay Kyser* *and Orcehstra*	Down Argentine Way (M) 113 *Don Ameche* *Betty Grable*		A Little Bit of Heaven (M) *Gloria Jean* *Robert Stack*	
Nov. 1	Blondie Plays Cupid (C) Passage West (D)	Hullabaloo (C) *Frank Morgan* *Billie Burke*		Arise My Love (D) *Claudette Colbert* *Ray Milland*		Li'l Abner (C) 109			I'm Nobody's Sweetheart (D) Island of Black Gold (D) 50-52	
Nov. 8				Dancing on a Dime (C) *Grace McDonald* *Robert Paige*			Hudson's Bay (D) 115 *Paul Muni* *Virginia Field*	Son of Monte Cristo (D) *Joan Bennett* *Louis Haywood*	Fireman Save My Child (C) *Baby Sandy* *Stuart Erwin*	

PARAMOUNT SHORTS
Audience-Tested!
Audience-Approved!

September 6
Color
'POPULAR SCIENCE No. 1'

September 13
Headliner
(Technicolor)
'MOMENTS OF CHARM OF 1941'

September 13
Stone Age Cartoon
'PEDAGOGICAL INSTITUTION'
(College to You)

September 20
Animated Antics Cartoon
'THE DANDY LION'

Paramount Pictures
100% BOX OFFICE

Now In Circulation

1940-41
INTERNATIONAL
MOTION
PICTURE
ALMANAC
QP
EDITED BY TERRY RAMSAYE

Edited by TERRY RAMSAYE

On thousands of desks throughout the motion picture industry here and abroad you will now find copies of the new 1940-41 International Motion Picture Almanac already well thumbed, already in service, as it will continue to be daily during the coming year.

For producer, distributor, exhibitor and all the allied forces of the motion picture, the Almanac is a reference book of inestimable value, as necessary as the telephone and just as handy. It is the product of a score of diligent research workers, and twelve months of fact gathering, presenting a treasure-trove of industry information that every showman vitally needs.

Each year finds the demand for Motion Picture Almanac much greater than the supply. If there isn't a new 1940-41 Almanac on your desk already, then send for your copy now. You will find it crammed with the very information that you constantly require in your daily routine.

$3 *the copy*

QUIGLEY PUBLICATIONS

ROCKEFELLER CENTER NEW YORK

Crosley Seeking More Power for WLWO, Cincinnati

WASHINGTON, Sept. 18.—Application for authority to increase the power of its international transmitter, WLWO, from 50,000 to 75,000 watts has been filed with the Federal Communication by the Crosley Corp., Cincinnati.

Applications also were submitted by Station WJHP, Jacksonville, Fa., for increase of power from 250 to 5,000 watts and move of transmitter from Jacksonville to Marietta, Fla., and WHBL for increase of night power from 250 to 1,000 watts.

The commission tentatively set Nov. 14 as the date for a hearing on the application of Station WCSC, Charleston, S. C., for increase of night power from 500 to 1,000 watts.

The commission has granted a construction permit for a new 1,200-kilocycle, 250-watt station to the Dalton Broadcasting Co., Dalton, Ga., and authorized Stations WSOC, Charlotte, N. C., to increase night power from 100 to 250 watts; WHBU, Anderson, Ind., to increase night power from 100 to 250 watts; KTMS, Santa Barbara, Cal., to increase power from 500 to 1,000 watts; KWAL, Wallace, Idaho, to increase night power from 100 to 250 watts; WXYZ, Detroit, to increase night power from 1,000 to 5,000 watts; WSPR, Springfield, Mass., to change frequency from 1,140 to 1,240 kilocycles; WHBF, Rock Island, Ill., to increase power from 1,000 to 5,000 watts, and KFJZ, Fort Worth, to increase power from 1,000 to 5,000 watts.

Application of the Batavia Broadcasting Corp. for a new 640-kilocycle, 250-watt, daytime station at Batavia, N. Y., has been ordered set for hearing.

RCA Sues on Records

Charging the defendants with conspiring to commit acts of unfair competition and with trade mark infringements, RCA Manufacturing Co., Inc., filed suit yesterday in the U. S. District Court against Columbia Recording Corp., Columbia Phonograph Co., Inc., and Times Appliance Co., Inc., and asked for an injunction, accounting and treble damages. The dispute centers about the use of red labels for records.

WBOC Takes to Air

SALISBURY, Md., Sept. 18.—Salisbury's new radio station, WBOC, of 250 watts, went on the air with Gov. Herbert R. O'Conor delivering the dedicatory speech from WFBR, Baltimore. The station is owned and operated by the Peninsula Broadcasting Co., of which State Bank Commissioner John W. Downing is president.

Remodel Frisco Branch

SAN FRANCISCO, Sept. 18.—Extensive remodelling exceeding $50,000 in cost has begun on the Paramount Exchange here. Complete new fixtures and furnishings are being installed, plus a new projection room and 40-seat theatre. When completed, Paramount will occupy the upper floor, with United Artists taking over the street floor.

Off the Antenna

MUTUAL will add four more stations this month to bring the number of its affiliates to 150. Three Utah stations will join Sept. 29. They are KLO, Ogden, 5,000 watts, 1,400 k.c.; KOVO, Provo, 250 watts, 1,210 k.c.; and KEVB, Price, 250 watts, 1,420 k.c. WMRC, Greenville, S. C., 250 watts, 1,500 k.c., will join this Sunday.

The Don Lee network, Mutual's outlet on the Coast, will replace KSLM, Salem, Ore., with KFJI, Klamath Falls, Ore. The latter station operates on 1,210 k.c. with 100 watts.

• • •

Purely Personal: *John Adair will be interviewed on "The Ramparts We Watch," RKO film, over WNEW by David Lowe this afternoon. . . . Gerald D. Coleman, chief engineer at WPIT, Saxonburg, has resigned to become chief engineer at WKPA, New Kensington, Pa., now under construction. . . . Desire Defauw will return as NBC Symphony Orchestra guest conductor Saturday, Sept. 28.*

• • •

WAAT, Jersey City, has purchased a 20-acre tract on Belleville Turnpike, Kearney, N. J., for a new transmitter. The tract was owned by Newark Factory Sites, Inc., which recently sold WMCA a site in the vicinity.

• • •

Helen Hayes, who scored in "Victoria Regina" several seasons ago, decided to do "Victoria and Albert" as the opening program on her new Lipton Tea show over CBS, Sunday, Sept. 29. The difficulty, however, was that Laurence Houseman, the author, was in England and could not be reached through the ordinary channels for the clearance of rights. Edward Murro, CBS correspondent in London, was contacted by short wave and he came to the rescue by making contact with Houseman.

• • •

Program News: *"Bachelor's Children," CBS daytime serial, starts its fifth year over the network Monday. Cudahy Packing is the sponsor. . . . Chase National Bank will sponsor Tom Powers' "But That's Not New York" over WJZ Tuesdays and Thursdays. . . . "Gang Busters" returns to NBC-Blue over 84 stations Friday, Oct. 11, sponsored by Sloan's Liniment. It will be heard Fridays at 9 P.M. . . . WQXR has sold spot announcements to The Tailored Woman, Old Gold Cigarettes, Baum Bengue, Columbia Records, Ford Motor, Solovox and the Roxy Theatre. . . . Columbia's "School of the Air" will be extended to the entire Western hemisphere when the program returns for its 12th season, Monday, Oct. 7. A preview program will be heard Tuesday, Oct. 1. . . . "Show of the Week" returns to Mutual Sunday, Sept. 29 at 6:30 P.M. with Milton Berle as the initial guest. . . . Barney's Clothes will sponsor "Junior Varsity Jamboree" over WNEW Saturday from 4-5 P.M. beginning Oct. 5. The program will originate from the Fiesta Danceteria and there will be a dancing contest with prizes given. . . . Starting today, WNEW will broadcast at 8:15 P.M. the courses on the Government and administration of New York City from New York University.*

Seek Wage Payment

The American Communications Association of the C.I.O. has filed proceedings in N. Y. Supreme Court against Greater New York Broadcasting Corp., operating WOV, seeking confirmation of an arbitration award made on Aug. 4 after a dispute had arisen under two contracts with the union.

Denies 'Young' Writ

Federal Judge Samuel Mandelbaum yesterday denied the application of Eleanor Harris for an injunction to restrain the exhibition of "Brigham Young" by 20th Century-Fox. The court ruled that the evidence presented on the application for an injunction had been so conflicting that no injunction could be issued without a trial.

Set 'Baker's Wife' Deal

The Herbert Rosener Co., San Francisco, has closed for the distribution on the West Coast of "The Baker's Wife," French film owned by The Baker's Wife, Inc. Producers Releasing Corp. of New England has acquired distribution rights in the New England states.

Film Alliance in Deal

Royal Amusements, Ltd., Honolulu, has signed for the entire 1940-'41 lineup of Film Alliance of the U. S., which involves 25 features and 12 Westerns. Norman Elson, Western sales manager of Film Alliance, closed the deal.

Sunday Film Vote Today

RENSSELAER, N. Y., Sept. 18.—Final action will be taken tomorrow night on the Sunday film issue in this town, the only city in New York State without Sunday pictures. The only theatre here, the Bright Spot, operated by Roger Mormon, is closed because of poor business.

To Vote on Sunday Films

WILKES-BARRE, Pa., Sept. 18. — Residents of nearby Conyngham Township have signed a petition to have the Sunday film question voted on in the November election. At present the township has no theatre, but it is understood that if the community votes favorably on the question, a theatre will be built.

Sets 'Howards' Showing

LEWISTOWN, Pa., Sept. 18. — A special screening of Columbia's "The Howards of Virginia" will be held at Paul O. Klingler's Rialto here on Sept. 22. Invitations have been sent to exhibitors unable to attend the earlier showings in Philadelphia or Pittsburgh.

Cinema Club Meets

CINCINNATI, Sept. 18.—Two applications for membership were received, and general routine business transacted, at the first Fall meeting of the Cincinnati Cinema Club recently. It was decided to hold the annual dinner in February on a date to be decided later.

Raibourn Calls CBS Color 'Significant'

Paul Raibourn of Paramount, in charge of television activities, commented yesterday as follows on the CBS color development:

"The system of color television which Adrian Murphy and Dr. Peter Goldmark have developed for CBS represents a significant advance in the television art. The patient and precise engineering and the careful development of technique which it took to bring the system to its present standard are to be as much admired as that of Dr. Nees and Mannes and Dogowsky on Kodachrome and Dr. Herbert Kalmus and his staff on Technicolor."

Theatre Changes

Fox Midwest Changes

KANSAS CITY, Sept. 18. — Fox Midwest Theatres has made managerial changes as follows: Jack Slinker from Gem to Grand, Topeka; Cobbie Stewart, from Grand to Jayhawk, Topeka; Phil Hill, from Jayhawk to Belleville, Ill., succeeding C. H. Zile, resigned; Jerry Baker, formerly at Granada, Kansas City, Kan., to Waldo, Kansas City, Mo., succeeding Louis Sponsler, who goes to Gem and Oakland, Topeka.

Shift Columbus Managers

COLUMBUS, O., Sept. 18.—Robert Glick has been transferred from manager of Neth's Markham to a similar post at the State. He is succeeded at the Markham by Darle Thompson, formerly of Neth's Eastern. Dave Pence moves from the Cameo to the Eastern.

Manages Indianapolis House

INDIANAPOLIS, Sept. 18. — William McIlwain is the new house manager of the Lyric, succeeding Kermit Dart. Dart is now booker of stage shows for the house, with offices in Chicago.

Building Nebraska Theatre

KANSAS CITY, Sept. 18.—Oscar Johnson is building a new 600-seat theatre at Falls City, Neb., the Rivoli.

Cleveland Lake to Reopen

CLEVELAND, Sept. 18.—Warners' Lake Theatre in downtown Cleveland reopens Saturday.

Order Leases Theatre

A new type of entertainment for Broadway is planned by the Royal Fraternity of Master Metaphysicians, which has signed a three-year lease for the Adelphi Theatre. The rent is $25,000 a year with an option to purchase for $400,000. It will be an amateur venture. Twelve productions are planned for the season.

Shift Poli Vaudeville

NEW HAVEN, Sept. 18.—Harry F. Shaw, Loew-Poli division manager, announces that the vaudeville policy for the Globe, Bridgeport has been changed from Monday to Saturday nights, with one first run film.

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News
Brief, Accurate and Impartial

VOL. 48. NO. 58 NEW YORK, U. S. A., FRIDAY, SEPTEMBER 20, 1940 TEN CENTS

Free Political Air Time Row Harries Nets

Will Seek to Untie Knot With Democrats

Network heads will meet with Democratic Party officials Tuesday in an effort to halt the vicious circle of demands for free time which has resulted from the classification of some of President Roosevelt's speeches as "non-political," it was learned yesterday.

The merry-go-round started when Republicans charged that President Roosevelt's Labor Day speech which was carried free by the networks was political in nature and they demanded free time to answer. As a result Wendell Willkie's Coffeyville speech was carried free. Norman Thomas, Socialist candidate, then demanded free time and he, too, got it.

With the cycle complete, Charles Michalson, Democratic publicity head, then started it up again by declaring that the Labor Day address was one performed by the President in the ordinary routine of his Presidential duties and demanded free time to answer Willkie's "political" speech from Coffeyville.

Crop of Big Films Slated for B'way

With holdovers doing a strong business at Broadway first runs during the past week a new crop of big pictures will be on view over the weekend.

"The Ramparts We Watch" went into the Music Hall yesterday, and a capacity matinee trade and good evening business indicated an estimated $11,500 for the day. At the Paramount "Rangers of Fortune," with Jan Savitt's band and the Andrews Sis-

(*Continued on page* 6)

Fort Worth Hails 'The Westerner'

By SAM SHAIN

FT. WORTH, Sept. 19.—Believe it or not, for only $3,000 Bob O'Donnell and Frank Weatherford of Interstate and Amon Carter, local newspaper publisher, staged a spectacular premiere for "The Westerner," which has swept through Texas like a hurricane and brought more than 100,000 visitors to this city to participate in and witness the celebration. The entire city was decorated for the occasion of

(*Continued on page* 6)

RKO Holds Second Willkie Subject

RKO will hold up release of the second "Information Please" short with Wendell Willkie as guest expert until after the November election. Officials denied that the shift of release from early October until after the election was due to pressure from the Democrats. It was explained that the first Willkie subject will be playing subsequent runs until the election and to release another in the meantime would cause confusion. Also, RKO feels the second will be a bigger draw if Willkie is elected.

Nick, Weston Guilty In Racketeer Case

ST. LOUIS, Sept. 19.—John P. Nick, ousted head of the Motion Picture Operators' Union, Local 143, and Clyde A. Weston, former business agent, were found guilty of racketeering by a Federal Court jury here late last night. They were convicted on 11 counts charging violation of the racketeering statue, but were acquitted on a count of violation of the Sherman Anti-Trust Act.

Sentence was deferred until next Monday night. Each faces a maximum penalty of 10 years in prison and a $10,000 fine on each of the 11 counts.

Five of the counts alleged Nick and Weston conspired and obtained $6,500 from theatre owners in 1937 through exorbitant wage demands. Five counts charged that the Cooperative Sound Service Co., organized by Weston, was used for the same purpose. The eleventh count dealt with a $2,000 payment by F. & M.

SEEKS TO SETTLE GOV'T B. & K. CASE

Decree Action Facing Delay

WASHINGTON, Sept. 19.—Action by Attorney General Robert H. Jackson on the proposed Federal consent decree will be delayed until next week due to his absence from the Capital it was indicated at the Department of Justice today.

He is expected to return Monday, but may act first on a report of the National Defense Advisory Commission advocating abandonment or postponement of a proposed suit for disintegration of the oil industry.

The decree draft which is awaiting the Attorney General's decision has undergone no change since it was agreed upon in principle following the extended New York negotiations.

Sher, Wright Called To Capital on Decree

Assistant U. S. Attorneys General Robert Sher and Robert Wright were called to Washington yesterday to report to the Department of Justice on

(*Continued on page* 6)

Film Actors May Get Exemption from Draft

WASHINGTON, Sept. 19.—Officials expressed the opinion today that actors in films, the stage and radio will not be drafted immediately for military service. It is believed they will be placed in the deferred class because of their importance to an "essential industry"—maintaining civilian morale by entertainment.

Para. Wants Dismissal Because of Conflict With N. Y. Decree

Efforts to dispose of the Government's consent decree violation case against Balaban & Katz and Paramount in Chicago through the settlement of the New York anti-trust suit are under way here and in Washington, it was learned yesterday.

Thomas D. Thacher, chief counsel for Paramount in the New York anti-trust suit, conferred on the matter yesterday with Assistant U. S. Attorney General Thurman W. Arnold, with the result that the Government's decision in the matter is expected to be made known within the next few days.

Paramount's action indicates the possibility of 20th Cen-Fox and National Theatres following a similar course in connection with the Federal consent decree against Fox West Coast Theatres, on the ground that the decree in the all-industry suit should supersede the regional decree.

Paramount's contention, in asking

(*Continued on page* 6)

'Time' to Seek Writ On 'Ramparts' Ban

PHILADELPHIA, Sept. 19.—March of Time will go to court immediately for an injunction to lift the State censor board's ban against "Ramparts We Watch," Louis de Rochemont, producer, said tonight after the board had viewed the film several times without coming to a decision on revoking the ban.

Meanwhile Mrs. Edna R. Carroll,

(*Continued on page* 6)

Michalove Leaving For Australia Oct. 10

Dan Michalove, assistant to Sidney R. Kent, 20th Century-Fox president, plans to leave for Australia Oct. 10 on an annual business and inspection trip of the company's interests there. He will sail from San Francisco Oct. 15. On his arrival in Australia he will assist in the closing of the deal for consolidation of Hoyt's and Greater Union Theatres.

"The Westerner"

[Goldwyn-United Artists]

HERE is sheer entertainment for all audiences in all places. It is a combination of melodramatic thrill and the drama of a hardy people seeking to make a home for themselves in the Western country, thrown against a background of the rugged scenery of Texas, and centering in the personalities of two men.

It is these two men who make the film the fine box-office entertainment it is. Given that touch of high technical quality which may be expected from a Samuel Goldwyn production, the film is lifted far out of the class of straight action material. But, at the same time, it possesses that basic quality of speed of movement, of physical action in the out-of-doors, which in the last analysis is the kind of expression in the screen medium

(*Continued on page* 6)

Nominees' Newsreel Applause Checked

An applause test for the two presidential nominees as they appear in the newsreels was started yesterday at theatres by the *Journal-American.* The applause is measured in decibels by Western Electric sound level meter.

The trucks will tour first run and neighborhood houses in Manhattan, Brooklyn and the Bronx and will extend to the entire Metropolitan area later. Only representative shots which present the candidates in an equal light will be used. In tabulating the results, the *Journal-American* will indicate the neighborhood where the tests are made but will not list the individual theatres.

Decision Reserved In Musician Fight

Decision was reserved by N. Y. Supreme Court Justice Aron Steuer yesterday on the motion of the American Guild of Musical Artists to restrain enforcement by the American Federation of Musicians of an order requiring all concert instrumentalists to join the A.F.M. or be banned from entertainment fields. Justice Steuer also reserved decision on a cross motion made by the A.F.M. to dismiss the complaint because it does not state a cause of action. He declared that the motions "will not be decided for some time."

Samuel Seabury, A.F.M. attorney, asserted that William Green, A.F.L. president, had ruled that the A.F.M. had jurisdittion. Seabury also said that the charter granted by the A.F.L. to the Associated Actors and Artistes of America, parent body of A.G.M.A., could not reduce jurisdiction of A.F.M. He stated that the A.F.L. should decide the jurisdictional question and that Joseph M. Weber, former A.F.M. president, supported the stand of James C. Petrillo, president.

Louis Boudin, A.G.M.A. attorney, argued that the plaintiffs were not seeking any rights under the A.G.M.A. charter but wished no interference with their common law rights to play anywhere they pleased.

Lindy's
INC.
RESTAURANTS

1626 BROADWAY 1655
(Next to the Rivoli Theatre) (51st Street Corner)

For over 20 years the luncheon and dinner place for Motion Picture People

Sole agents in New York for FAMOUS

BLUM'S ALMONDETTES
from
San Francisco, California

Personal Mention

MATTHEW J. FOX, Universal vice-president, will leave for the Coast this weekend after spending the summer here.

•

W. A. SCULLY, Universal general sales manager, is expected from Chicago today.

•

CHARLES MORLA has returned from a vacation in Havana.

•

LOUIS NIZER, attorney, is back from a vacation on the Coast.

•

HAL HORNE, JOSEPH MOSKOWITZ, EDWARD SMALL and GOODMAN ACE lunching yesterday at Lindy's (next to the Rivoli).

•

LEO SCHAPIRO, Guilford, Conn., exhibitor, attended the wedding of his sister, GERTRUDE, of the M-G-M home office, to PAUL PELLMAN here. The couple are now on a wedding trip in New York State.

•

MONROE GREENTHAL, United Artists exploitation manager, returned from the Coast yesterday.

•

JAMES ROOSEVELT, who arrived from the Coast by plane yesterday to attend tonight's "Pastor Hall" opening, will fly back to Hollywood this weekend.

•

WALTER WANGER leaves for Boston today to fill a speaking engagement, and then will go to Chicago, Pittsburgh and Dallas, returning to New York from there.

•

SI SEADLER, advertising manager of M-G-M, left last night on the TWA Stratoliner to spend about a week at the studio.

•

GENE BUCK, Ascap president, left for San Francisco by plane last night to be on hand for the Ascap Day program at the Exposition there next Tuesday.

•

HORTENSE SCHORR, Columbia publicist, is confined to her home with a cold.

•

MAURICE SILVERSTONE, RUBE JACKTER and LOU WEINBERG lunching at Lindy's (51st St.) yesterday.

•

CHARLES PRUTZMAN, AL SELIGMAN, CHARLES PAINE, MARVIN SCHENCK, WILLIAM FITELSON and JACK HOFFBERG having lunch yesterday at the Tavern.

•

CHARLES L. O'REILLY, head of the Roosevelt for President film industry committee, is back from Hollywood.

•

LAUDY LAWRENCE, WILLIAM MELNIKER, JOSEPH ROSTHAL, OTTO PREMINGER, SIDNEY KINGSLEY, MADGE EVANS, SI FABIAN, LEONARD GOLDENSON and JACK KIRKLAND at Sardi's yesterday for lunch.

•

HOWARD DIETZ, WILLIAM F. RODGERS, FRED LANGE, WILLIAM ORR, CHARLES E. MCCARTHY, GEORGE WELTNER, J. J. UNGER and OWEN DAVIS having lunch in Nick's Hunting Room in the Astor yesterday.

75 Golfers Play in Paramount Tourney

About 75 golfers teed off yesterday in the 13th annual Paramount tournament at Adolph Zukor's golf course at New City. Low gross winners were Ray Keenan, James B. McGovern and Oscar Morgan. Low gross guest prizes were won by Ed Hartley, Ed Gaylor, Charles Casanave and Don Velde.

Among other winners were: Herb Berg, E. A. Brown, N. L. Goldstein, William Althaus, Leon Netter, Murray Luth, Ben Greifer, Roger Clement, Ed Sullivan, Harry Kalcheim, Dick Bennett, Dave Cassidy, Ed Fay, Adolph Zukor, Clinton Lake, Arthur Israel, Jr., Robert Weitman, Al Deane, Lou Burlon, James Spear, Clint Mohrhardt, Ben Fincke, John McDermott, Hiller Innes, Eugene Levy, Harry Smith, Dr. E. Stern.

Bioff Leaves Jail In Chicago Today

CHICAGO, Sept. 19.—William Bioff, I.A.T.S.E. leader, will be released from the House of Correction here tomorrow after completing his six-month sentence on an old charge. Good behavior won Bioff 15 days off his term. His future plans have not been disclosed.

Sussman Tours on Drive

William Sussman, Eastern sales manager for 20th Century-Fox, left for Philadelphia last night to join Herman Wobber, general manager of distribution, and M. A. Levy, Minneapolis branch manager and leader of the Kent sales drive, on a tour of Eastern cities on the drive.

Dallas Circuit Gets Income Tax Refund

WASHINGTON, Sept. 19.—The Internal Revenue Bureau today disclosed that on July 18 it had determined that the R. & R. Theatres, Inc., Dallas, were entitled to a refund and credit of $59,104.52 on their income return for 1937.

It was explained that the amount represented deficiencies in tax and interest assessed against the company as a transferee of the assets of other taxpayers whom later investigation showed to have no tax liabilities.

2 Paramount Films Booked for Rivoli

Two Paramount pictures have been booked for the Rivoli under terms of a deal set yesterday by Neil Agnew, Paramount vice-president in charge of sales, and John Wright, Rivoli manager. The films are "Christmas in July" which will probably open late next month, and "Victory," for which no date has been set.

Vane Rites Today

Funeral services will be held this morning at St. Malachy's Church on West 49th St., for Denton Vane, 50, who died of a heart attack on Wednesday. He was formerly a Vitagraph star and stage player on Broadway. He is survived by a sister, Mrs. Elizabeth Lowe of Brooklyn.

Editors Guild to Meet

A membership campaign of the Motion Picture Editors Guild will be discussed next Tuesday at a meeting at the Capitol Hotel.

Newsreel Parade

WHAT is probably the most significant national event of the year—the signing of the draft bill by President Roosevelt—and events in consequence are shown in the new issues. The contents follow:

MOVIETONE NEWS, No. 4—Roosevelt signs draft bill and defense items. Destruction in London. Fire in Baltimore. Winter fashions. Horse jumps in Maryland. Women in diving championships.

NEWS OF THE DAY, No. 202—Draft bill signed. National Guard mobilized. Ruins in London after air raids. Troops in South Africa. Fire in Baltimore. Willkie speaks in Coffeyville. Class in poise for girls. Motorcycle hill climbing. Football at Fordham.

PARAMOUNT NEWS, No. 7—Diving championships. Frank C. Walker takes office. Fire in Baltimore. Roosevelt signs draft bill and explains its effects. Defense preparations here.

RKO PATHE NEWS, No. 7—Roosevelt signs draft bill. Guardsmen mobilized. Willkie on campaign tour. British bolster Egyptian posts. Fashions. Fire in Baltimore.

UNIVERSAL NEWSREEL, No. 912—Draft bill signed. Conscription in 1917. Construction work at Camp Dix. National Guard units inducted. New battleship set for launching. Knox at California marine base. Bankhead funeral in Alabama. Girls taught poise. Soft ball game. Diving championships.

'Hall' Opens Tonight At Broadway Globe

"Pastor Hall," the James Roosevelt-United Artists film, will open tonight at the Globe, with an invited audience including many local film and circuit executives. The picture will begin its regular run immediately following the reserved-seat premiere.

Among those scheduled to attend the opening are: Murray Silverstone, Harry Gold, Arthur Kelly, Paul Lazarus, Eugene Picker, Ned E. Depinet, Joseph Vogel, Charles C. Moskowitz, John Murphy, Clayton Bond, Leon Schlesinger, Ed Hinchey, Nat Fellman, John J. O'Connor, Fred Meyers, Max Fellerman, Leonard Goldenson, Leon Netter, J. D. Eagan, E. C. Grainger, A. J. Kearney, Ben Joel, Walter Reade, Louis Frisch, Harry Brandt, Si Fabian, Leo Brecher.

Also, Frank C. Walker, John Nolan, W. S. Cronin, Walter Vincent, Mr. and Mrs. Floyd Odlum, Mr. and Mrs. John Hertz, Edwin Weisl, Harry A. Harris, Edward G. Robinson, Ralph Bellamy, Eddie Cantor, Ilka Chase, Mr. and Mrs. Edward Small.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

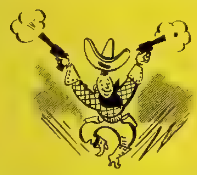
Broadway Cheers "RANGERS OF FORTUNE"

Hardboiled Broadway crowds go overboard on Paramount's newest hit. Read these quotes from N. Y. Paramount preview audience: "A riot of fun!" "Not a dull moment!" "Funniest I've seen in a long time!" "Albert Dekker steals the picture!"

SHERIDAN SQUARE

Greenwich Village Cheers "RANGERS OF FORTUNE"

Hard-to-please sophisticates of Village rave at Loew's Sheridan Square preview: "Enjoyed every moment. Hope there will be sequels!" "Superb. Utterly different!" "Rousing entertainment." "Unexpected twists make excellent entertainment!"



Kansas City Cheers "RANGERS OF FORTUNE"

The heart of America gives its heart to a hit. We quote from Newman Theatre preview audience comments: "Best yet!" "So real I completely forgot my hay fever!" "Swellelegant!" "Wonderful!" "Great. I liked the fast-moving plot!"

Hollywood Cheers "RANGERS OF FORTUNE"

The lads who tell America what pictures to see say: "Ranges from belly-laughs to belly-guns with never a let-down in entertainment. Should mean a fortune!"—*Jimmie Fidler.* "A rip-snortin' western!"—*L. A. Times.* "Fast, furious film fare!"—*L. A. Herald Express.* "Preview audience enjoyed themselves and howled!"—*L. A. News.* "If it isn't a hit, there's no such thing as a prediction of success!"— *L. A. Citizen News.*

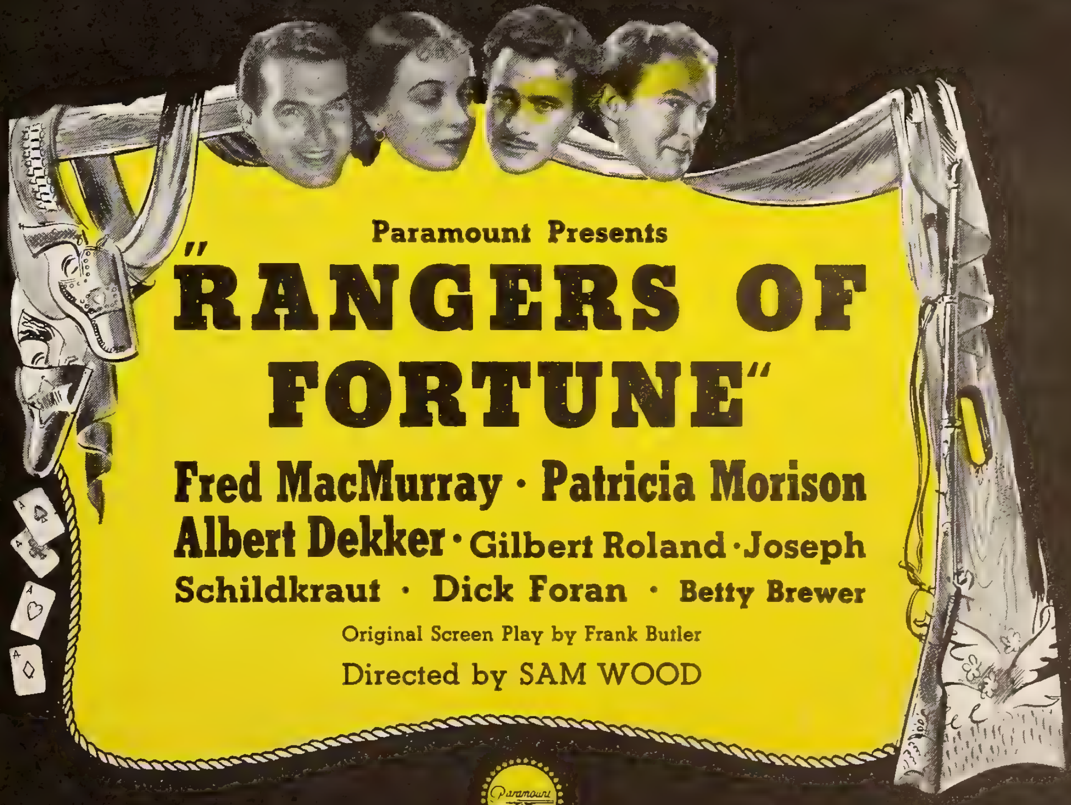
O.K.
NIFTY
SWELL
GREAT

Trade Papers Cheer "RANGERS OF FORTUNE"

The boys who know pictures best say: "Hits the jackpot of popular preference. Western melodrama at its best!"—*Daily Variety.* "Superwestern on a larger scale with bigger names. Brilliant box office performance!"—*M. P. Daily.* "Chalk up another corking show for Paramount. Top entertainment."—*M. P. Herald.* "Lusty adventurous western of topnotch rating. Will hit profitable biz!"—*Variety.*

Broadway, Kansas City and Hollywood Agree

SAM ("Goodbye Mr. Chips") WOOD HAS PUT YOU IN THE CHIPS AGAIN with a brand new kind of western . . . Real life characters in a real life drama of the American frontier



Paramount Presents

"RANGERS OF FORTUNE"

Fred MacMurray · Patricia Morison
Albert Dekker · Gilbert Roland · Joseph Schildkraut · Dick Foran · Betty Brewer

Original Screen Play by Frank Butler

Directed by SAM WOOD

Now she's ROMANTICALLY *yours!*

Deanna

DURBIN

in

Spring Parade

A HENRY KOSTER PRODUCTION

with

ROBERT CUMMINGS · MISCHA AUER

Henry Stephenson · Butch & Buddy · Anne Gwynne

Walter Catlett · S. Z. Sakall · Samuel S. Hinds

Allyn Joslyn · Reginald Denny · Franklin Pangborn

Music by
ROBERT STOLZ
Lyrics by
GUS KAHN

Original Story by Ernst Marischka

Screenplay by Bruce Manning and Felix Jackson

A
UNIVERSAL
PICTURE

NATIONAL
RELEASE
SEPT. 27th

PRODUCED BY
JOE PASTERNAK

DIRECTED BY
HENRY KOSTER

The girl you knew...is now a lady in love . . . a daring, dancing, musical lady...just entering the most significant phase of her career...just ready to exert the fullest magnitude of her unprecedented appeal on the hearts of the American people!

Para. Seeks Settlement of B. & K. Case

(*Continued from page* 1)

the Government to *nolle prosse* the Chicago case, is that the terms of the consent decree under which the case there was brought differ from those of the pending decree in the industry suit here. Unless the Chicago case is disposed of now, Paramount points out, a situation would be created when the pending New York decree goes into effect which either would place the two decrees in conflict in the Chicago territory or would establish Federal regulations there which would not be applicable anywhere else in the country.

Hearing in the Chicago case was held before a special master there last year and resulted in dismissal of all major distributors except Paramount from criminal charges of violating the 1935 consent decree against B. & K. The special master also held that Barney Balaban, Paramount president, was personally liable for a violation of the decree. Paramount filed objections to the report and a hearing is scheduled on both the objections and the report in Federal court there this Fall. The master's report has not been confirmed by the court.

Sher, Wright Called To Capital on Decree

(*Continued from page* 1)

the progress being made on the legal draft of the decree and on the arbitration provisions which will be supplemental to the decree. Because of their absence from New York, the work on the arbitration provisions was not completed yesterday.

Further meetings on both the final form of the draft and the arbitration provisions will be held today, with some prospect of completing the work on both. However, the progress to be made today will depend upon the length of the meetings.

Allied of Connecticut Opposes Price Rise

New Haven, Sept. 19.—Allied of Connecticut has passed a resolution "as being utterly opposed to increased admission prices on any selected feature."

In the resolution it was stated that advance prices for some features would make others seem inferior and that if encouraged the distributor would indulge in the practice with pictures of questionable quality. It was further stated that patrons already are subjected to increased admissions due to the Federal tax.

Brower With Producers

Los Angeles, Sept. 19.—Jack Brower, formerly Warners' district manager here, has been appointed Los Angeles sales manager for Producers Releasing Corp. The company has completed eight of 38 scheduled films.

Ida Lupino Signed

Hollywood, Sept. 19.—Ida Lupino has been signed to a contract by 20th Century-Fox for one picture yearly. Fox will share the actress with Warners.

"The Westerner"

[Goldwyn-United Artists]

(*Continued from page* 1)

that made the motion picture great, and which unquestionably stirs a warm feeling of fascinated excitement in every film-goer.

"The Westerner" is Gary Cooper, in a role of the type which first brought him to screen prominence. As the slow-speaking, slow moving, quiet cowboy "from nowhere," he offers a performance of such convincing restraint as to make it outstandingly effective. Partly by reason of the sharp contrast with the role and performance of Cooper's Westerner, that of Walter Brennan as the notorious and fascinating "Judge" Roy Bean, of Vinagarroon, Texas, in the 1880's, is of picture-stealing caliber. His is a delineation of an incredible character which is well-nigh perfect. He makes the amazing, "gun-law" judge an unforgettable person, one whose name is legendary in the riotous, exciting early history of Texas.

William Wyler employed the facilities at his command to the greatest advantage in his direction, always spurring the action when there is any evidence of lag by reason of the essential conflict between the two leading personalities. Credit, too, must go to Jo Swerling and Niven Busch for their screenplay, based on an original story by Stuart Lake.

Cooper, itinerant cowboy, is brought before Brennan, accused of stealing a horse on which he is found. Only by playing on Brennan's consuming passion for the famed Lily Langtry, whom he has never seen, does Cooper save his neck, and then by promising the judge a lock of Lily's hair he claims to possess.

The area where Judge Bean is absolute ruler with gun and rope is that west of the Pecos River in Texas, where cattlemen, led by Bean, are waging incessant war on the encroaching homesteaders, who seek to fence the grazing land, and turn it to the crops the cattle men abhor. Meeting Doris Davenport, daughter of Fred Stone, one of the homesteaders, Cooper makes their cause his own.

He saves Bean from a lynching party of enraged farmers, and tries to reason with him. When Cooper believes he has solved the problem to the satisfaction of both sides, Bean follows his own code, and, as crops are ready to harvest, starts fires which engulf the homesteaders' crops and houses. This fire sequence is a stirring and exciting highlight of the film. Cooper goes after Bean, who, buying all tickets, is a one-man audience for the performance of Lily Langtry in a nearby town. They fight it out in the theatre, Bean is killed, and Cooper returns to face the future of Texas with Miss Davenport.

Running time, 100 minutes. "G."* CHARLES S. AARONSON

"G" denotes general classification.

Crop of Big Films Slated for B'way

(*Continued from page* 1)

ters on the stage, opened Wednesday and drew an estimated $13,500 for the first two days. "Brigham Young—Frontiersman" opens at the Roxy this morning and "Pastor Hall" starts its regular run at the Globe tomorrow after a press preview tonight. Tyrone Power, Mary Astor and Dean Jagger will make personal appearances at 9:30 tonight at the Roxy in connection with the "Brigham Young" premiere. "City of Conquest" is set for opening at the Strand next Friday with Bobby Bryne's orchestra as the stage attraction.

"Hired Wife" at the Roxy with a stage show rolled up an estimated $46,500 but had to be withdrawn because of other bookings. In its second week at the Capitol "Boom Town" was good for an estimated $45,000 and is held over. "Lucky Partners" with stage show at the Music Hall grossed an estimated $70,000 for its second week. "No Time for Comedy" with Larry Clinton's orchestra on the stage had a big week at the Strand, drawing an estimated $38,000 for the second week. It is held over. The 39th week of "Gone With the Wind" at the Astor grossed an estimated $10,500.

'Time' to Seek Writ On 'Ramparts' Ban

(*Continued from page* 1)

censor board chairman, said the prohibition still stands and is still unanimous. The board held to its decision following a conference with De Rochemont, William Clarke Mason, his attorney; Nat Levy, RKO Eastern district supervisor; Charles Zagrans, RKO branch manager here; George J. Barco, Pennsylvania Deputy Attorney General; Abraham J. Levy, special deputy from Harrisburg; representatives of the State Police, and Jay Emanuel, operator of the Senate, Harrisburg, and Park, Reading, where the picture opened yesterday.

Zagrans said that RKO would not be a party to the contemplated litigation, pointing out that March of Time had formally agreed to assume all legal obligations and costs sustained by exhibitors who may be involved in the litigation. Zagrans added, however, that all Pennsylvania bookings on the film will be held up until a court decision.

The showing of the picture was continued in Reading last night with business described by Emanuel as the biggest in the history of the house. Both the Reading and Harrisburg houses remained closed today, however.

Fort Worth Hails Opening Of 'Westerner'

(*Continued from page* 1)

one of the biggest events this city has seen.

Aiding the principals were: Frank O. Starz and Bob O'Donahue, Interstate Circuit publicists, and Joseph Shea, who served as contact man here for United Artists; Gabe Yorke, advertising and publicity manager for Samuel Goldwyn, and Lynn Farnol, United Artists advertising and publicity director, who collaborated in bringing celebrities here from the Coast and the East for the event.

Tonight's performances of "The Westerner" at the Worth, Hollywood and Palace were at $1.20 top.

One of the principal features of today's celebration was a colorful and spectacular frontier parade, headed by Gary Cooper, with several Texas college and university bands participating in addition to the visiting celebrities. Samuel Goldwyn, producer of the picture, and William Wyler, director, and their wives, were among those who came here for the premiere.

Visitors reported that for 300 miles around, all the way to San Antonio, the countryside was covered with news of the premiere. Under Interstate auspices, the picture will play 60 simultaneous dates throughout Texas. The entire proceedings were broadcast today and front-page position was given the event in all newspapers here for the past several days.

The festivities began this morning with the arrival of three planes from Hollywood and another from New York with guests. They were met by a reception committee including Amon Carter; R. J. O'Donnell, Fort Worth officials, cowboys, cowgirls and two bands. The reception was broadcast over KGKO.

Later this morning a buffet and reception was held for the press representatives from Hollywood, New York and Texas cities, and 30 Typical Texan contest winners and the film stars in the ballroom of the Hotel Texas. The stars of the film, Gary Cooper, Walter Brennan, Doris Davenport, Chill Wills, as well as other stars from the Coast, were guests on the WFAA-WBAP radio broadcast.

From 1 to 2 P.M. a two-mile parade was held, and in the afternoon, following the parade, the stars appeared at a party for orphans, followed by a reception and dinner at Carter's home for all the guests. O'Donnell and Carter acted as masters of ceremonies at the premiere of the film at the Worth Theatre tonight, with the introduction of the Typical Texan contest winners, and the stars immediately preceding the showing of the picture. Following the presentation of the film the same stage ceremonies took place at the Hollywood Theatre.

After the showings, a ball was held at the Hotel Texas, with Cooper and the contest winner leading the grand march. The ball was for the benefit of the Goodfellow Fund, sponsored by the Fort Worth *Star-Telegram*.

The stars will go on to Dallas tomorrow, where they will appear at the opening at the Majestic Theatre, following a reception at the Variety Club and other festivities.

Feature Reviews

"Youth Will Be Served"

(20th Century-Fox)

HOLLYWOOD, Sept. 19.—"Youth Will Be Served," Jane Withers' latest vehicle for 20th Century-Fox, is notable for several reasons. First, the Lucien Hubbard production provides a refreshing background for the girl and is the same type of material which made Jane a favorite of exhibitors. It has the vigor and vitality of her earlier pictures. And it marks the debut of Charles Holland, Negro singer, who was greeted with uproarious applause by the preview audience.

Jane, as the daughter of a Southern moonshiner, attends a National Youth Administration camp while her father is serving out a prison term. Involved are a bank robbery, in which the thieves hide the loot in the swamps, a scheme by a wealthy lumberman to rid the community of the camp, as well as the neighboring Civilian Conservation Corps unit, a prison break, and a musical show put on by the NYA and CCC enrollees.

Wanda Tuchock wrote the screenplay from a story by Ruth Fasken and Hilda Vincent, and created a script which serves admirably for the growing Jane. Otto Brower's direction packs punch.

In addition to the star and Holland, the cast includes Jane Darwell, Robert Conway, Elyse Knox, Joe Brown, Jr., John Qualen, Tully Marshall and Richard Lane.

Running time, 68 minutes. "G."* VANCE KING

"Sky Murder"

(MGM)

HOLLYWOOD, Sept. 19.—Walter Pidgeon is again seen in the title role of this third and latest in the "Nick Carter" series, which is concerned with the activities of a would-be American dictator.

As the detective's often unwanted but nonetheless helpful assistant, Donald Meek portrays "Bartholomew, the Bee Man," as he has in previous films of the series, and provides excellent comedy relief.

The workings of a Fifth Column group, portrayed as at least partly Nazi-inspired, are finally uncovered by Pidgeon, with the help of Karen Verne as a girl intimidated by the group, George Lessey, as head of a Senatorial investigating committee, and Joyce Compton, enacting a daffy girl detective. Edward Ashley acts the part of the power-crazed and rich young man who sees himself as dictator.

Frederick Stephani produced and George B. Seitz directed the William R. Lipman screen play.

Running time, 80 minutes. "G."* W. S.

"The Kid from Santa Fe"

(Monogram)

With the reaction of a mid-afternoon audience on opening day at the Central Theatre on Broadway indicative of the film's merit, "The Kid from Santa Fe" is an adequate Western for consumption by action audiences. The story, an original screenplay by Carl Krusada, meets the requirements, while Jack Randall in the title role makes the telling fairly convincing.

Also in the cast are Clarence Logan, Forrest Taylor, Claire Rochelle, Tom London, George Chesebro, Dave O'Brien and Jimmy Aubrey. Karl Krusada directed.

The outlaws in the tale, by way of variation, are smugglers. Starrett arrives in town with the express purpose of restoring law and order. Quarreling among members of the gang leads to the murder of one and the capture of the rest.

Running time, 50 minutes. "G."*

**"G" denotes general classification.*

RKO Sets Nine-Week Foreign Sales Drive

A nine-week sales drive, running from Oct. 13 to Dec. 14, is planned by the RKO foreign sales force. With the slogan, "We Can and Will," the drive was organized by RKO's European general manager, Reginald Armour, and will be known as the annual Armour Drive.

Exchanges in Egypt, Portugal, Roumania, Spain, Sweden and Switzerland will participate. Armand Palivoda, manager in Switzerland, is drive captain.

Berke Leaves Republic

HOLLYWOOD, Sept. 19.—William Berke, associate producer at Republic the last four years, has resigned. He plan a month's vacation before announcing his new post. He had been producing the Gene Autry westerns the last two years.

Audio Advances Snody

Robert R. Snody, general manager of Audio Prod., was elected vice-president at a meeting of the company's board of directors yesterday. Frank K. Speidell is president of Audio.

Pictures of London Answer Nazi Claims

Films showing conditions in London at the end of August were rushed by air mail to New Zealand and shown in theatres there 12 days later, according to newspaper dispatches. The films were used to disprove Nazi claims that London had been destroyed, it was said.

3 Fabian Houses Closed for Winter

Following Summer operation, three theatres of the Fabian circuit have closed for the Winter. These are the Strand, Great Hills, S. I.; Stratton, Middletown, N. Y., and the Ritz, Port Jervis.

Others to close for the Winter include: Lorraine, Bayhead, and Grove, Point Pleasant, both of the Newbury circuit in New Jersey; Casino, Cocalis theatre in Keansburg; Edgemere, Edgemere, L. I., and the Colony, Rockaway Point. The Rivoli, Rockaway Beach, will close Oct. 1.

Bader Making Shorts

HOLLYWOOD, Sept. 19.—Dave Bader today became associated with George Pal in the production of Puppetoon shorts for Paramount. He was aide to Carl Laemmle and more recently a talent agent.

Sylvia Sidney Gets Role

HOLLYWOOD, Sept. 19.—Sylvia Sidney will have the lead in "Carnival" opposite Humphrey Bogart.

'Divorce' and Show $23,000 in Detroit

DETROIT, Sept. 19.—"I Want a Divorce," supported by a stage show featuring Ray Bolger and Charlie Barnett's radio band, grossed $23,000 at the Michigan. The Fox reported $14,000 with "The Lady in Question" and "He Stayed for Breakfast," running five days, and "Brigham Young" the other two days.

Estimated takings for the week ending Sept. 12:

"The Return of Frank James (20th-Fox)
"I Married Adventure" (Col.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: $5,000. (Average, $5,000)

"I Love You Again" (M-G-M)
"Safari" (Para.)
FISHER—(2,700) (15c-50c) 7 days. Gross: $6,000. (Average, $7,000)

"He Stayed for Breakfast" (Col.)
"The Lady in Question" (Col.)
"Brigham Young" (20th-Fox)
FOX—(5,000) (15c-55c-65c) 7 days. Gross: $14,000. (Average, $15,000)

"I Want a Divorce" (Para.)
MICHIGAN—(4,000) (15c-55c-65c) 7 days. On stage: Ray Bolger and Charlie Barnett's radio band. Gross: $23,000. (Average, $12,000)

"Rhythm on the River" (Para.)
"The Way of All Flesh" (Para.)
PALMS — (2,000) (15c-39c-55c) 7 days. Gross: $7,000. (Average, $7,000)

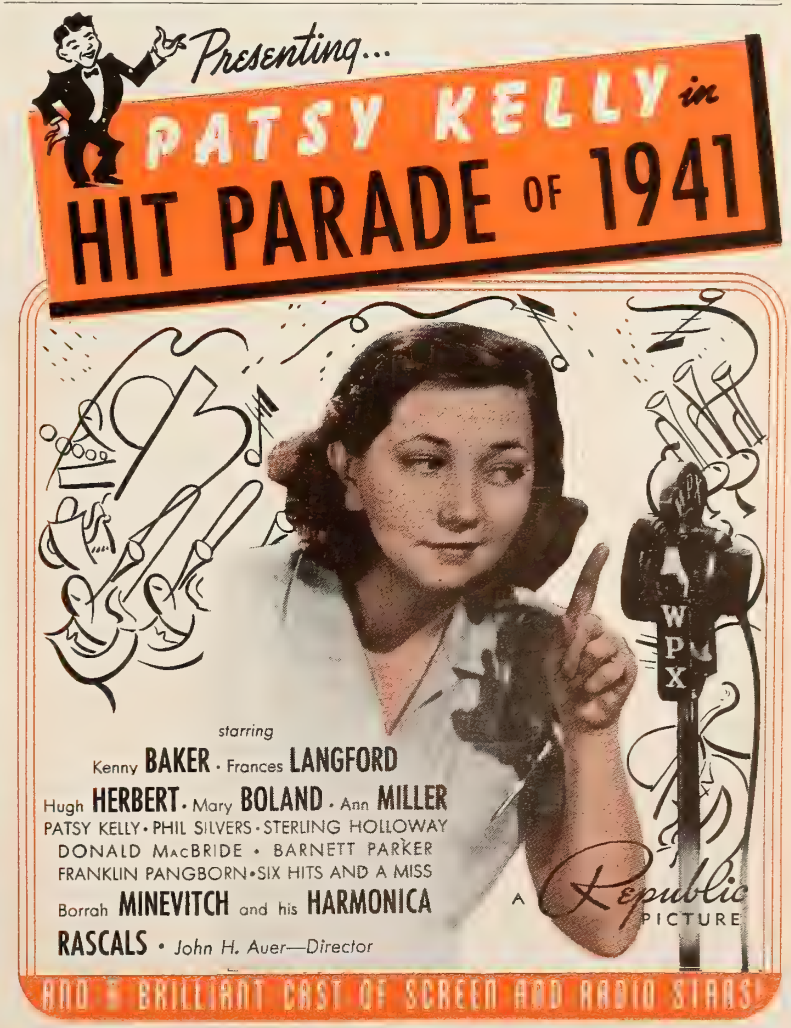
"Boom Town" (M-G-M)
UNITED ARTISTS—(2,000) (20c-50c-75c) 7 days, 3rd week. Gross: $11,000. (Average, $10,000)

Stanwyck in 'Lady Eve'

HOLLYWOOD, Sept. 19. — Barbara Stanwyck will be teamed with Henry Fonda in Paramount's "Lady Eve" which Preston Sturges will write and direct.

Columbia Buys Story

HOLLYWOOD, Sept. 19.—Columbia has purchased "The Doctor's Husband," by Dalton Trumbo.


Presenting...
PATSY KELLY in
HIT PARADE OF 1941
W P X
starring
Kenny BAKER · Frances LANGFORD
Hugh HERBERT · Mary BOLAND · Ann MILLER
PATSY KELLY · PHIL SILVERS · STERLING HOLLOWAY
DONALD MacBRIDE · BARNETT PARKER
FRANKLIN PANGBORN · SIX HITS AND A MISS
Borrah MINEVITCH and his HARMONICA RASCALS · John H. Auer—Director
A Republic PICTURE
AND A BRILLIANT CAST OF SCREEN AND RADIO STARS!

Webs Order Bands to Use B.M.I. Music

Fortifying their position in the current fight with Ascap, NBC and CBS are ordering all orchestra leaders to increase the number of Broadcast Music, Inc., and other non-Ascap music on sustaining shows over the networks.

Niles Trammell, NBC president, in a letter to leaders yesterday ordered the use of at least three non-Ascap songs in each program. Lawrence W. Lowman, CBS vice-president in charge of operations, will send a similar letter out over the weekend and will demand one non-Ascap tune for each 15-minute program and a minimum of two for each half-hour show.

Although Trammell did not mention BMI by name, he referred to music "which NBC clearly will be able to use after Dec. 31." His letter called attention to the fact that the requirement for at least one non-Ascap number has been in effect since early August, and added "We believe the experience gained as a result of this policy has been most helpful both to our orchestras and the NBC staff."

Trammell asserted that the new order would not affect the quality of the programs. He urged the leaders gradually to accustom the personnel of the orchestras to get along without Ascap music and declared that the leaders should adopt new theme music for use after Dec. 31.

Cartoon Guild Will Hold Strike Meeting

HOLLYWOOD, Sept. 19.—A general membership meeting of the Screen Cartoonists' Guild, affiliated with the Painters International through the Moving Picture Painters' Local No. 644, will be held Wednesday to vote on whether to call a strike at the M-G-M cartoon plant as a result of unsuccessful negotiations for a bargaining contract.

The negotiations, extending over several months, ended in a disagreement over wage scales.

The Screen Writers' Guild and a committee of producers met last night again on a proposed bargaining contract, and other than declaring "progress has been made," no statement was issued.

Radio Study Urged By Council Speaker

CINCINNATI, Sept. 19.—In addressing a group of 42 local organizations in the educational and women's club fields here, Dorothy Lewis of New York, vice chairman of the Radio Council, urged a close study of radio programs in general and children's programs in particular, in order that they may be raised to higher levels. She expects to visit more than 100 cities in the interest of the Radio Council.

M-G-M Buys Play

HOLLYWOOD, Sept. 19.—M-G-M has purchased the screen rights to the play, "Fried Chicken," by Ladislaus Bus-Fekete.

Off the Antenna

ANOTHER big giveaway program with a $1,600 airplane as a weekly prize will start over 65 NBC-Red stations Friday, Oct. 4, at 10 P.M. Wing Cigarettes, the sponsor, will solicit testimonials, and the five top ranking suggestions will be selected. At the end of the show, the first winner will be called by telephone. If he is not home he will lose the prize and the second will be called, and so on down the line.

• • •

Film Players on the Air: *Frank Morgan will appear with James Stewart and Margaret Sullavan on "Screen Guild Theatre" over CBS Sunday, Sept. 29, at 7:30 P.M. Norman Corwin is preparing the radio version of "Shop Around the Corner" for the program. . . . Edward Arnold will be Kate Smith's guest over CBS next Friday at 8 P.M. . . . Glenda Farrell will be heard on "I'll Never Forget" over Mutual Monday at 1 P.M. . . . Helen Twelvetrees will be heard on "Campbell's Short Short Story" over CBS Wednesday at 11 A.M.*

• • •

Gene Autry, Republic Pictures star and heard on CBS on "Melody Ranch," has been leading the list of best sellers in his Okeh Record division for the past seven months. His "Goodbye, Little Darlin', Goodbye" has topped the list since March with more than 150,000 records sold to date.

• • •

WOR's television station will be ready in about six to nine months, according to J. R. Poppele, chief engineer. About 28 hours of programs weekly are planned, Poppele said. Although it would be desirable to have the transmitter at 444 Madison Ave., where WOR's FM transmitter is located, the exact site has not been determined. Poppele pointed out that WOR's television experiments date back to 1928 when the station demonstrated a two-minute puppet show with synchronized sound over a wired unit at Bamberger's department store in Newark. A three-inch screen was used at that time.

• • •

Purely Personal: *Fred Fielding, research sales manager for Ross Federal and formerly with N. W. Ayer, has joined the WFIL, Philadelphia, sales staff . . . Tommy Dorsey and his band will be heard over NBC-Red tonight at 11:30 from the Roseland Ballroom. Dorsey will leave on a tour of the country shortly. . . . Milton Weiner has been named general manager of music for WLW-WSAI, Cincinnati. . . . Red Barber, WOR baseball announcer, will read poetry on Jerry Lawrence's "Vagabonds' Trail" over WOR Tuesday at* 10:30 *P.M.*

• • •

In his talk from London Wednesday night, Edward R. Murro, CBS English correspondent, disclosed that the two upper floors of the network's London offices had been wrecked by a bomb. Murro mentioned no casualties.

Showmanship Flashes

Letter from Married Men Aids 'Lady in Question'

PHILADELPHIA, Sept. 19.—Roy Robbins, manager of the Karlton, offered 10 pairs of passes to married men submitting letters describing briefly just how they "popped the question" to the "lady in question," for the opening of "The Lady in Question."

Use High School Group To Aid 'Strike Up Band'

WATERBURY, Conn., Sept. 19.—The aid of a local high school band was enlisted to give a sendoff to "Strike Up the Band" at Loew's Poli here by Edward Fitzpatrick. Attired in bright uniforms, the band played several numbers from the musical film in front of the theatre on opening day.

Boys Drive Chariots To Plug 'Syracuse'

BRIDGEPORT, Conn., Sept. 19.—Morris Rosenthal, manager of the Loew-Poli Majestic here, for the run of "The Boys from Syracuse," broke the sports page of the *Times-Star* by naming the theatre's soft-ball team, "The Boys from Syracuse." He also used boys riding bicycles, and wearing sweaters bearing the picture's title, and an imitation Greek chariot driven by boys dressed in togas.

RKO in Air Tieup On Kay Kyser Film

RKO has completed a tieup with Lord and Thomas, advertising agency for the American Tobacco Co., under which three successive Kay Kyser broadcasts for Lucky Strike cigarettes will feature full-hour plugs for the Kyser RKO film, "You'll Find Out." The final broadcast, Oct. 9, will be held on a sound stage at the RKO studio, to which the general public will be invited.

Tie in Football Pool With Run of 'Rockne'

Arrangements have been completed whereby, in connection with the New York *Daily Mirror* football pool, Warners' "Knute Rockne-All American" will receive daily publicity breaks during the run of the film at the Broadway Strand. The theatre will distribute 50 pairs of tickets to winners of the weekly pool. Also on the film, RCA Victor is reviving, for the period of National Knute Rockne Week, Sept. 29 through Oct. 5, its special Knute Rockne record, one side of which carries Rockne's "pep talk" to his football team, and the other, the Notre Dame "Victory March." Copies of the record are going to all exhibitors and Warner exchanges.

Warners in Phila. Tieup With KYW

Philadelphia, Sept. 19.—Warner first runs in the central city zone will share a program in a tieup with KYW next month. A recorded musical quiz will be tied in with films appearing at the houses. The plan calls for a daily program with 25 pairs of passes for the eight houses distributed each week. In return, the station's call letters and program announcements will be flashed on the screen and displayed in the lobby.

Big Boost in Radio Gifts to N. Y. Fund

The radio industry increased its contributions to the Greater New York Fund by 65 per cent this year over last, Niles Trammell, NBC president and chairman of the Radio Broadcasting Section of the Utilities and Amusements Division, announced yesterday. A total of $41,829 was contributed this year as compared with $25,256 in 1939.

Trammell paid tribute to those who aided the cause and said that next year's result "will look small by comparison." Among those contributing were RCA and subsidiaries, $10,000; CBS, $10,000; WOR Program Service, $750; World Broadcasting, $250; WMCA, $166.50; WOV, $123; WINS, $100; WEVD, $100; Mary Margaret McBride, $100; Hearst Radio, $100; Broadcast Music, Inc., $100; Universal Recording, $50; Transamerican, $50; Paul H. Raymer Co., $50; Weed & Co., $25; WHOM, $25; WBNY, $25; Interstate Broadcasting, $25; Free & Peters, $25; WLTH, $10; WARD, $10, and George P. Hollingbery Co., $10.

Will Meet Monday On 'Night of Stars'

First luncheon meeting to inaugurate activities for the seventh annual "Night of Stars" will be held at the Astor Hotel on Monday. Nathan Straus, Federal Housing Administrator, who heads this year's affair, will preside. Marvin Schenck of Loew's, who with Louis K. Sidney will serve as chairman of the producing committee, will outline the program for the show to be given in Madison Square Garden Nov. 27 for the United Jewish Appeal war relief. Other speakers will include Eddie Cantor, Mrs. Roger W. Straus and Samuel Blitz, executive director.

Releasing English Films

"Design for Murder," English film produced by John Boulting, will be released here this Fall by World Pictures Corp. Reginald Denham and Edward Percy were the authors.

French Film Booked

"The Living Corpse," French film produced by Les Productions Alliance, Paris, and released in this country by Juno Films, Inc., will open at the 55th St. Playhouse tomorrow.

FILE COPY

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 59 NEW YORK, U. S. A., MONDAY, SEPTEMBER 23, 1940 TEN CENTS

Circuits Defer Decisions on Price Rises

Study Effect of Federal Tax on Admissions

Decisions of large circuits on admission policies, including the possibility of a general increase, will be held in abeyance for at least another month while the full effects on theatre attendance of the Federal admission tax are being weighed, it was learned from circuit executives here.

Theatre operators feel that no conclusive test of the effect of the 10 per cent admission tax on attendance was supplied during the summer months and with the product being played at that time. They look to attendance figures for September and October, when patronage is at normal level and the new season's product is being played, to tell the real story of the Federal admission tax's effect on busines.

When those reports are in, circuit executives say, it will then be pos-

(*Continued on page* 4)

'Dictator' Will Open At 2 Houses in Oct.

The world premiere here of Charles Chaplin's "The Great Dictator" will be set for the third week in October in two theatres. The premiere originally was scheduled for this week but difficulties in obtaining the two theatres preferred by United Artists for the picture resulted in the postponement of final arrangements.

One of the two theatres has been obtained already and negotiations for the second may be concluded in a day or two. Indications are that the picture will play one house on a two-a-day reserved seat policy with admissions up to $2.20.

Mayor of Chicago At 'Hall' Opening

Mayor Edward Kelly of Chicago, Mrs. Eleanor Roosevelt, James Roosevelt, John D. Hertz, Edwin Weisl, Sir William Wiseman, Harry Hopkins and Floyd B. Odlum were among those who attended the opening of "Pastor Hall," James Roosevelt-United Artists film, at the Globe Friday night. Among others were M. A. Schlesinger, Maurice Silverstone, Charles Schwartz and Max A. Cohen.

Quigley Luncheon Reservations Heavy

Heading the list of organizations which have reserved tables for the Ampa luncheon Oct. 2 in honor of Martin Quigley's 25th anniversary as a trade paper publisher is the I.T.O.A., for which Harry Brandt, president, has reserved three tables. Two tables each have been taken by M-G-M and Warners, and one has been reserved by Warner Theatres, Columbia, RKO Theatres, RKO, the M.P.P.D.A., 20th Century-Fox, Universal, March of Time, and National Screen Service.

Reels Popular On Television

Newsreels would be the most popular type of films on television, according to a survey made by Will Baltin, program director of W2XWV, the Allen B. DuMont station now understruction in New York. The survey covered 700 television set dealers, tavern and restaurant owners in 24 communities in New York, Long Island and New Jersey. About 50 per cent responded to the poll.

Asked to check the three favorite types of films among those listed, 71 per cent checked newsreels; 53 per cent designated two-reel short subjects; 52 per cent, features, and 30 per cent, cartoons.

Films as a whole, however, rated only fourth among six items listed. Sports were checked by 82 per cent,

(*Continued on page* 4)

U. S. WILL REVISE B. & K.'s DECREE

Changes Will Conform to Consent Decree in N. Y. Action

The Chicago consent decree covering Balaban & Katz will be revised to conform to the pending Federal consent decree in the all-industry suit here, when the latter becomes effective, Government representatives in New York indicated over the weekend.

The Government spokesmen pointed out Paramount's contention that the two decrees might conflict and that Paramount possibly could be held in contempt of one for abiding by the other had "a great deal of merit." They expressed the belief, however, that a modification of the Chicago decree to conform to the pending decree probably would have no effect upon the scheduled court hearings this Fall of the charges that Paramount and Barney Balaban, president, violated the B. & K. decree.

Paramount has filed exceptions to those charges, as contained in a report by a special master who heard the Chicago case last year. The master's report and Paramount's exceptions are scheduled for hearing in Chicago Federal court next month.

Thomas D. Thacher, counsel for Paramount, conferred with Assistant U. S. Attorney General Thurman W. Arnold in Washington late last week on the indicated conflict between the two decrees and asked that the Chi-

(*Continued on page* 4)

British Trade Bears Up; 50 Houses Close

By AUBREY FLANAGAN

LONDON, Sept. 22.—Despite continued bombing raids by Nazi planes, all sections of the British film industry are operating calmly.

With additional film theatres being damaged by bomb explosions and some destroyed, the total to date of theatres temporarily or completely out of action in the London and Home Counties area is close to 50.

Production in English studios is increasing, despite the attacks. It is understood Warners will begin production tomorrow at Teddington on a film concerned with Disraeli, which is planned as a multiple quota picture.

Thus far, only two distributors have returned to the evacuation headquarters outside London which they occupied for a short time early in the war. RKO has moved to Elstree and Associated British Film Distributors to Ealing. Theatres in Middlesex have been granted permission to open early on Sunday afternoons, and other areas are expected to follow the lead.

The Paramount laboratory about 10 miles from the heart of London was bombed in an air raid on the city last Thursday night, the home office

(*Continued on page* 4)

Weisman Resigns As Trustee of Fox

Resignation of Milton C. Weisman as co-trustee of the plan of liquidation of Fox Theatres Corp. was revealed Friday when N. Y. Supreme Court Justice Lloyd Church appointed Leopold Porrino as Weisman's successor.

Weisman resigned Sept. 17 and his resignation was approved by Justice Church at the same time that Porrino filed a bond in the U. S. District Court in the sum of $25,000, which was approved Friday by Federal Judge Samuel Mandelbaum. He will act as trustee with Kenneth P. Steinreich.

Weisman was designated with Steinreich on February 24, 1939, by former Circuit Judge Martin T. Manton. Previously he had acted as a receiver for Fox Theatres since 1932, when the company was thrown into bankruptcy. No explanation for his resignation was given

Agreement Reached on Purchase Of Play Rights by Film Companies

A tentative agreement on all major issues has been reached between representatives of film companies, the Dramatists Guild and the League of New York Theatres on changes in the Guild's minimum basic agreement to permit purchase of film rights to stage plays in advance of the play's production, it was learned over the weekend.

All sides stressed that the various representatives at a meeting held Thursday would have to obtain the approval of their respective groups. No further action can be taken until the matter is discussed by the Guild council, which will meet during the week of Oct. 7.

At the meeting were John Byram, Paramount, Jake Wilk, Warners, and Sidney Philips, M-G-M, representing the film companies; Elmer Rice, president, and Edward Carpenter, representing the Guild; and John F. Reilly, executive secretary, Marcus Heiman, president, Gilbert Miller, Brock Pemberton, and Lawrence Langer, representing the League and other Broadway producers.

Red Cross Group Sets Theatre Aid

The program of cooperative activities which theatres throughout the country will conduct voluntarily in behalf of the annual American Red Cross drive, Nov. 11 to Nov. 30, has been mapped out by the theatres' campaign committee of which Major L. E. Thompson of RKO is chairman. David Palfreyman of the Hays office is secretary of the committee.

The principal activities, all to be conducted in close cooperation with local Red Cross chapters in each community, will begin the week of Nov. 10 with the showing of a short subject about 400 feet in length, which was produced by Warners for the drive. Deanna Durbin is featured and scenes of the Hollywood Red Cross benefit are included. The film urges theatre patrons to join the Red Cross and aid its work.

During the second week of the drive, the theatres will show the official Red Cross trailer, which runs one minute and features Priscilla Lane.

During the entire two weeks of the drive the theatres will use Red Cross flags, posters and display cards, which will be furnished by local Red Cross chapters, in lobbies and exteriors, and will aid in publicity activities in conjunction with local chapters.

The theatres' participation in the drive will be organized locally, and in small communities individual effort of local theatre owners is counted upon. All national and regional exhibitor organizations and affiliated circuits have volunteered their cooperation.

Surprise Luncheon Given Matthew Fox

Matthew J. Fox, Universal vice-president, was given a surprise luncheon at the Rainbow Room on Friday, prior to his departure for the Coast after spending the Summer at the home office.

Among those present were: Nate J. Blumberg, J. Cheever Cowdin, F. J. A. McCarthy, Joseph H. Seidelman, Charles D. Prutzman, Samuel Machnovitch, Peyton Gibson, Martin Quigley, Terry Ramsaye, Don Mersereau, Maurice Kann, Chester Bahn, Pete Harrison, Malcolm Kingsberg, Leon Goldberg, Max Fellerman, John Benas, Lou Pollock and Charles Kirby.

Also, Adolph Schimel, Jules Levey, Jules Lapidus, David Levy, J. J. Jordan, Tom Murray, Hank Linet, Andy Sharick, Morris Alin, Sherwin Kane, Joe Gallagher, Lionel Toll, Fortunat Baronat, C. C. Margon, Larney Goodkind and Herman Stern.

Approve 'Pastor Hall'

Madison, Wis., Sept. 22.—"Pastor Hall" was given a clean bill of health for showing here following a preview at the Parkway Theatre for 125 Madison religious, educational business and civic leaders. Following the showing, the opinion of those seeing the film was preponderantly in favor of its release here. The special showing was held at the request of Mayor James R. Law after criticism of the proposed showing of the picture was made by several citizens.

Personal Mention

SAMUEL GOLDWYN arrived in New York from Dallas by plane on Saturday for a visit of a week or two.

•

George Wright and Richard Stout, Interstate Circuit attorneys, left for Dallas over the weekend.

•

A. H. Blank, head of Tri-States Theatres, Des Moines, is in Chicago.

•

George Dembow arrived from the Coast yesterday.

•

Roy Disney is extending his stay here another week or 10 days. Hal Horne will accompany him to the Coast when he leaves.

•

Louis Phillips of Paramount returned from Chicago over the weekend.

•

Otto Bolle, 20th Century-Fox manager in South Africa, is visiting relatives in Detroit.

•

R. J. Brenner, M-G-M manager in Chile, arrives today for a visit accompanied by Mrs. Brenner and son, Richard.

•

Margie Swartz of Century Circuit will be married Dec. 29 to Paul Bederow.

•

Loretta Darling, secretary to Lou Levy, manager of Universal's Des Moines exchange, is vacationing here and in Canada.

•

George Campbell, assistant booker at Paramount's Des Moines exchange, is ill at a local hospital.

•

Albert Glassman, doorman at the Arcade, Philadelphia, is the first of the local film trade to enlist for military service, joining the Medical Corps in Washington.

•

Alvin Leonard, formerly of the Warner home office publicity staff, is now student assistant manager at Loew's Rochester, N. Y.

WADE WILLMAN, celebrating his 18th anniversary as M-G-M branch manager in Indianapolis, will be feted by associates in the company at the local Variety Club tonight.

•

Charles Laughton arrived from the Coast Saturday for a vacation.

•

David Milgrim, head of Affiliated Theatres, independent Philadelphia circuit, has been named theatre division chairman of the $75,000 annual charity drive for the Northern Liberties Hospital.

•

Robert Schwartz, operator of the Park Playhouse, Thomaston, Conn., has returned from his wedding trip to Baltimore, and is residing in Waterbury, Conn.

•

Irving Martin, publicity man at the Stanley in Baltimore, is vacationing.

•

Mary Fink, cashier at Loew's, Rochester, was married last week to Frank O'Connell at St. Augustine's Church.

•

Betty Hoffman, of M-G-M's booking department here is ill at the Lutheran Hospital.

•

Len Middleton has resigned as 20th Century-Fox office manager in Vancouver to join the Canadian air force. Kenneth McHale is his successor.

•

Joseph Hanna, head booker at the 20th Century-Fox Pittsburgh branch, is recovering from bronchitis.

•

Nat Rubin, assistant at the Loew-Poli, New Haven, has returned to the hospital for a short time to clear an ear infection.

•

Archie Berish, head booker at the Warner New York exchange, returns to his post today after a week's vacation.

Suit Ready for Court In 'Ramparts' Ban

Philadelphia, Sept. 22. — Appeal from the state censor ban of "Ramparts We Watch" was prepared Saturday for filing in Common Pleas Court here tomorrow.

The papers, drawn up by William C. Mason, representing March of Time, and S. L. Krauss, attorney for the Park, Reading, and Senate, Harrisburg, charge the board exceeded its authority in ordering the deletion of the "Baptism of Fire" sequences.

The suit will challenge the board's final ruling that the film "has a tendency to corrupt and debase morals and is not proper."

The attorneys failed to avert litigation when the board Saturday declared the ban a closed issue.

Rodgers to Discuss Product with I. T. O.

William F. Rodgers, general sales manager for M-G-M, will lead a round table discussion of the M-G-M 1940-'41 sales policy at a luncheon meeting of the New York I. T. O. A. at the Hotel Astor Wednesday.

O'Connor Completes RKO Circuit Shifts

In connection with RKO's taking over the Pelham, Marble Hill and Castle Hill, Cocalis theatres, in October, John J. O'Connor, head of RKO theatres, has made the following managerial shifts:

Max Mink, from Regent to Castle Hill; Max Slovin, from Roosevelt to Regent; Martin Rosen, from Empire to Roosevelt; Louis Friedman, from Midtown to Empire; Harold Daly, from Albee to Marble Hill; Herman Slepian, from Pelham to Coliseum as assistant manager.

The following promotions were made: James Fitzgerald, assistant manager, Coliseum, to manager, Pelham; Fred Smith, from Albee to assistant manager, Orpheum; Allan Worth, treasurer to assistant manager, Albee; Edward McDonald, to Albee treasurer; Edward Pyne, to assistant manager, Castle Hill.

Schrader Found Dead

Buffalo, Sept. 22.—Gus Schrader, 50, operator of former Mayor Frank X. Schwab's Old Vienna Theatre, was found dead of natural causes.

N. W. Allied Not For Buying Strike

Minneapolis, Sept. 22.—Allied Theatre Owners of the Northwest "as an organization is not promoting nor sponsoring any 'buying strike,'" but individual members are protesting against quality of some pictures and the rentals asked by some distributors, according to Fred H. Strom, executive secretary.

Strom said that Allied Information Department forms "still show a determined resistance to any film buying, with 52 per cent reporting no deals made and no exhibitor reporting more than three contracts closed."

'Police' at Higher Prices in 9 Cities

"North West Mounted Police," the Cecil B. DeMille-Paramount color film, has been set at advanced admissions in nine key cities, according to Neil Agnew, vice-president in charge of sales.

Immediately following the world premiere at Regina, Canada, on Oct. 21, and the opening in the United States on Oct. 24, the film will play at advanced prices at the Warfield, San Francisco; Paramount, Los Angeles; State, Minneapolis; Orpheum and Paramount, Portland, Ore.; Newman, Kansas City; Wisconsin and Palace, Milwaukee, and in Portland, Me.; Louisville and Youngstown, O.

U. S. 'Police' Opening Planned for Chicago

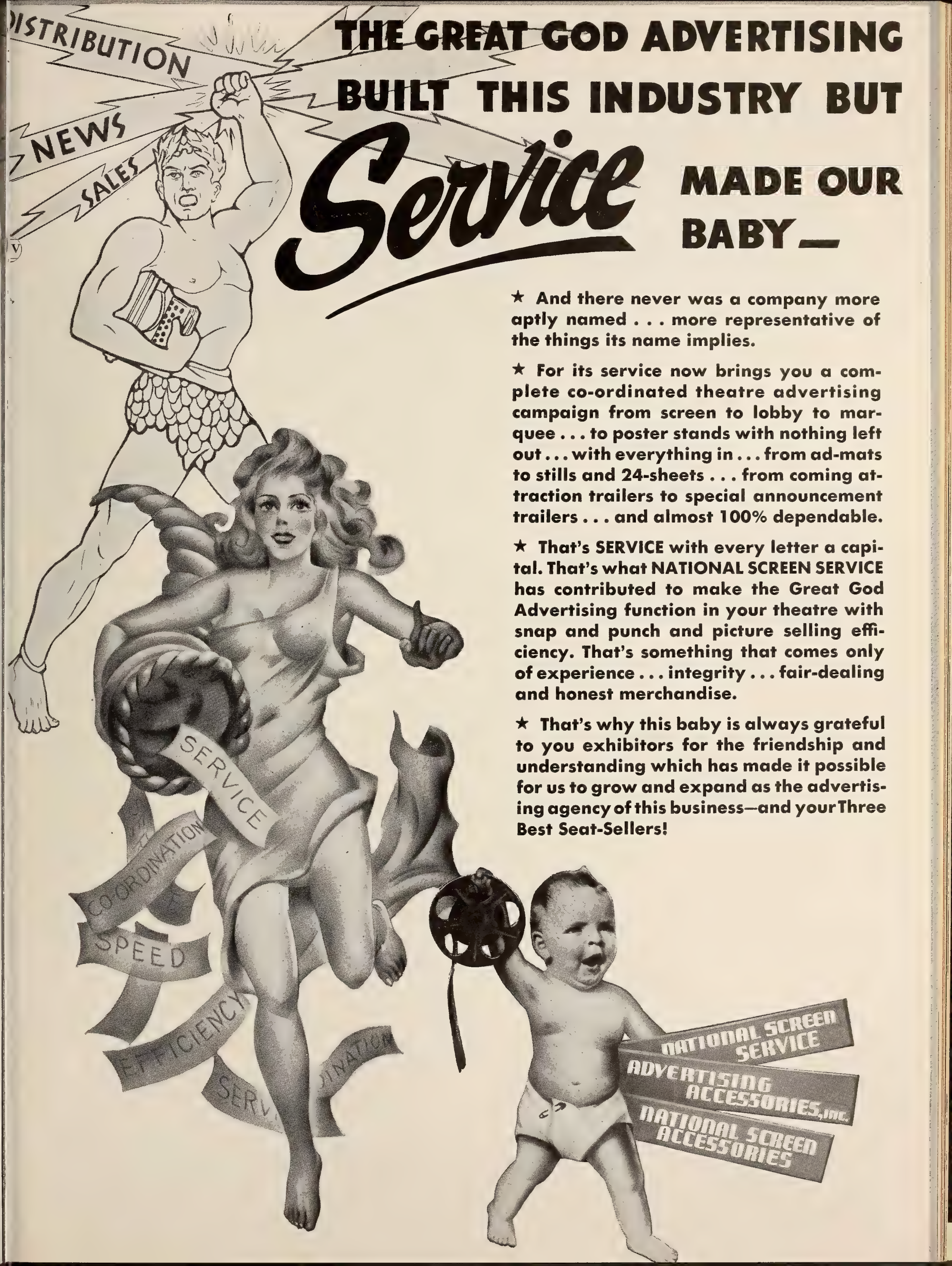
Chicago, Sept. 22.—American premiere of Paramount's "North West Mounted Police" has been tentatively set for the B. & K. Chicago Theatre Oct. 24.

An admission top of $2.20 is being discussed for the opening, with increased admissions for the run. It is planned to have stars of the film here the day of the opening for a parade on Michigan Boulevard, after which they will attend the premiere. Cecil B. DeMille, producer of the film, also may come here. WGN will broadcast the festivities over the Mutual network.

Arrangements were discussed with B. & K. officials by William Pine of the studio, who returned to Hollywood Friday to set final plans with DeMille.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.


DISTRIBUTION
NEWS
SALES
SERVICE
CO-ORDINATION
SPEED
EFFICIENCY
SERV
NATION
NATIONAL SCREEN SERVICE
ADVERTISING ACCESSORIES, INC.
NATIONAL SCREEN ACCESSORIES

THE GREAT GOD ADVERTISING BUILT THIS INDUSTRY BUT *Service* MADE OUR BABY—

★ And there never was a company more aptly named . . . more representative of the things its name implies.

★ For its service now brings you a complete co-ordinated theatre advertising campaign from screen to lobby to marquee . . . to poster stands with nothing left out . . . with everything in . . . from ad-mats to stills and 24-sheets . . . from coming attraction trailers to special announcement trailers . . . and almost 100% dependable.

★ That's SERVICE with every letter a capital. That's what NATIONAL SCREEN SERVICE has contributed to make the Great God Advertising function in your theatre with snap and punch and picture selling efficiency. That's something that comes only of experience . . . integrity . . . fair-dealing and honest merchandise.

★ That's why this baby is always grateful to you exhibitors for the friendship and understanding which has made it possible for us to grow and expand as the advertising agency of this business—and your Three Best Seat-Sellers!

U. S. to Revise B. & K. Consent Decree of '32

(Continued from page 1)

cago case be set aside if the New York decree is put into effect.

The B. & K. consent decree was entered into with the Government in 1932. In November, 1938, the Department of Justice filed criminal contempt proceedings on charges of violating the decree. The charges were subsequently dismissed against all defendants except B. & K. and Paramount.

Draft Expected to Be Completed by Tomorrow

Final draft of the proposed Federal consent decree in settlement of the New York anti-trust suit may be in completed legal form by tonight or tomorrow, Government representatives here said on Saturday.

Work on the arbitration provisions of the draft will be resumed today and, likewise, may be completed tonight or tomorrow. A meeting on arbitration was held Friday following the return of Robert Sher, Assistant U. S. Attorney General, from Washington, and resulted in agreement on all but "two or three provisions." These are expected to be cleared up today, following which the arbitration proposals will be sent to the five consenting companies for checking and to the legal advisory board of the American Arbitration Association for approval.

Assistant U. S. Attorney General Robert Wright is scheduled to return from Washington today to attend the final meetings here.

Conn. M.P.T.O. to Air Decree Views Today

New Haven, Sept. 22.—Members of the Connecticut M. P. T. O. will hold a general discussion of the consent decree in the Government trust suit at a meeting tomorrow. Herman M. Levy, executive secretary, will present an analysis of the decree and the effects of its terms on exhibitors, with special attention to the block-of-five provisions.

Allied Theatre Owners of Connecticut will meet Tuesday at the Hof-Brau Haus, with A. M. Schuman presiding.

F.D.R. Leads Willkie In Embassy's Poll

Franklin D. Roosevelt received 94,101 votes against Wendell Willkie's 76,177 in the Embassy Newsreel Theatres' presidential poll which was started July 29 and ended Friday. The poll was at four theatres. A second vote will begin Oct. 24, extending to Election Eve, and will include two additional theatres.

Theatre returns on the poll just concluded follow: Embassy on Broadway—Willkie, 36,083, Roosevelt, 49,675; Radio City, New York—Willkie, 20,225, Roosevelt, 11,724; San Francisco, Willkie, 13,676, Roosevelt, 26,222; Chicago, Willkie, 6,193, Roosevelt, 6,480.

Feature Reviews

"A Dispatch from Reuter's"

(*Warners*)

Hollywood, Sept. 22.—Continuing Edward G. Robinson in the serious vein in which he appeared as Dr. Ehrlich, Warners here cast him as the founder of the great news agency which still bears the name of Reuter.

Spanning the years from 1833 to 1865, the story depicts the struggles of Reuter as a young man to establish the "pigeon post" as an agency for the fast transmission of news between European centers not yet linked by the new telegraph. As the telegraph system expands, the use of carrier pigeons is doomed, and Reuter turns to the transmission of news by wire, his first "scoop" coming with the transmission of Louis Napoleon's speech.

As his wire service grows, competition develops in the Anglo-Irish Telegraph Company, is met successfully by Reuter, who again scoops the world with the news of Abraham Lincoln's death.

Seen as Reuter's wife is Enda Best, while Eddie Albert appears as his poetic friend, Albert Basserman as a colleague, Gene Lockhart as a banker finally prevailed on to take the service of the pigeon post. Otto Kruger, Nigel Bruce, Montague Love and James Stephenson round out the cast.

The Milton Krims screenplay was based on a story by Valentine Williams and Wolfgang Wilhelm. William Dieterle directed with Hal Wallis as executive producer and Henry Blanke as associate.

Running time, 90 minutes. "G."* W. S.

"G" denotes general classification.

"After Mein Kampf"

(*Crystal*)

This is allegedly a portrayal of Adolph Hitler and his rise to power, the atrocities of the Nazi party, particularly the purge of Jews in Germany, and the fall of Austria, Czechoslovakia, Poland and France. It is sheer propaganda that pulls no punches. For further emphasis it resorts to the use of cartoon figures to ridicule its target, Hitler, and his questionable ancestry.

The picture is said to be dramatized fact or based on fact. It was produced by Associated British at the Welwyn Studios, Welwyn City, England. The newly formed Crystal Pictures is the distributor here.

Stock shots are used intermittently, illustrating various historical events, including the World War, the marching of troops and speeches. In the earlier sequences the producers concentrate mainly on Hitler's character, depicting him as a liar and a cheat. He is seen as ascending to the head of the German Government as the result of poverty and dissension among the German people and the personal actions of himself and his cohorts. After his rise, inspired German youth is pictured as denouncing its own parents in loyalty to the Fuehrer. In conclusion, Hitler's military conquests are shown by the use of maps.

"After Mein Kampf" is a moving picturization of the current phase in world history, skillfully produced, directed and edited. The theme of the film and its grim treatment limit appeal to adults only.

Running time, 69 minutes. "A."*

"A" denotes adult classification.

Canada War Films Run in All Houses

Ottawa, Sept. 22.—Canadian Government films designed to aid the war effort get blanket coverage in 700 Canadian theatres and are released to some 1,700 houses in the United States, according to John Grierson, Film Commissioner of the Canadian Government, before a press party which previewed "Wings of Youth," latest production of the National Film Board.

In addition to this broad release schedule the picture will shortly be distributed throughout Australia and New Zealand, Grierson said. Such publicity of Canada's war effort, he said, is extremely effective. "Wings of Youth," a 20-minute film, deals with the British Commonwealth Air Training Plan now under way in Canada.

Argentine Embargo Film Effect Unknown

Home office foreign departments were without advice over the weekend as to the effect on films of the embargo placed upon all imports from the United States by Argentina late last week. Opinion in New York is that the ban is of a temporary nature.

The ban was imposed by Argentina's Exchange Control Board, which suspended issuance of all import licenses for entry of any merchandise from the United States. Informed sources professed to see some connection between the ban and the impending discussions of a loan to Argentina by the American Export Import Bank. Warren Pierson, head of the bank, is en route to Buenos Aires.

Bookers Meet Tonight

The Motion Picture Bookers Club will meet at 7:45 tonight at Hotel Lincoln with Harold Klein, president, presiding.

Circuits Defer Decisions on Price Rises

(Continued from page 1)

sible to determine accurately whether general increases in admission scales are advisable, and where.

At the present time, many large circuits incline to the belief that a boost in scales will not be accepted by the public. Officials of such circuits are of the opinion that the differential between first and second run scales is too great now in many instances, due to the increase in first run scales with the addition of the Federal tax. This is particularly true, they say, in situations in which subsequent runs absorbed the tax or reduced their scales. Elsewhere, there is no evidence of any important effect of the tax upon attendance thus far, it was said.

Several exhibitor organizations have pointed out recently that the public in their localities already regards the application of the amusement tax as an increase in admission prices and attendance would be seriously affected by any further increase.

Newsreels Popular In Television Poll

(Continued from page 1)

variety shows by 60 per cent, special events and news pickups by 48 per cent, and only 32 per cent checked films.

The most popular hours for viewing telecasts were listed as 2-5 P.M. and 7-10 P.M. Asked how many hours of programs daily should be given, 65 per cent said six hours, 10 per cent said eight hours and a small number asked for 12 hours daily. Short programs were favored by 58 per cent and 25 per cent stated that they had no preference between long or short shows.

Among the favored athletic events, boxing was checked by 92 per cent, football by 60 per cent and racing by 42 per cent.

British Trade Bears Up Under Nazi Bombs

(Continued from page 1)

was advised by cable from David Rose, managing director, over the weekend. No one was injured and fire caused by the bombing was extinguished before serious damage was done.

Rose's cable reported that theatre business in London's West End was "practically at a standstill" but that attendance in the provinces continued at good volume.

Sunday Films Beaten

Rensselaer, N. Y., Sept. 22.—The long fight of Sunday motion picture advocates to legalize exhibition between 2 P. M. and midnight here was surprisingly lost here due to the unprecedented opposition appearing before the Common Council.

NEW STANDARDS OF PERFORMANCE

THEIR versatility, backed by unvarying dependability, makes the use of Eastman negative films imperative to meet modern production demands. These raw-film favorites have established new high standards of performance, bringing faithful realism to the screen. Eastman Kodak Company, Rochester, N. Y.

J. E. BRULATOUR, INC., *Distributors*
Fort Lee Chicago Hollywood

PLUS-X
for general studio use

SUPER-XX
when little light is available

BACKGROUND-X
for backgrounds and general exterior work

EASTMAN NEGATIVE FILMS

Shaw Making Trailer

George Bernard Shaw is making a trailer in London for "Major Barbara," Gabriel Pascal production which is based on Shaw's play of the same title. The film will be released by United Artists this Fall.

Rodgers and Scully Will Address Allied

Featured speakers at the 21st annual convention of Allied of New Jersey, which gets under way at the President Hotel, Atlantic City, Wednesday, will be: William F. Rodgers, M-G-M general sales manager; H. N. Richey, assistant to Rodgers; William A. Scully, Universal vice-president and general sales manager; Lee Newbury, N. J. Allied president; Sidney E. Samuelson, representing Allied of Eastern Pennsylvania; Jack Kirsch, Allied of Illinois; M. A. Rosenberg, Allied M.P.T.O. of Western Pennsylvania; Frank Lydon, Independent Exhibitors, Inc., Boston; Pete Wood, I.T.O. of Ohio; Col. H. A. Cole, president of national Allied, and Abram F. Myers, general counsel of national Allied.

Banquet to Myers

Highlight of the three-day meeting will be a testimonial banquet to Myers Friday evening. The sessions will get under way at 10 A.M. Wednesday with the registration of delegates, followed by a general meeting at 2 P.M. with reports of various committees, and the selection of a nominating committee for the election of officers and directors. A directors' meeting will be held at 5:30 P.M.

On Thursday there will be an Eastern regional conference, luncheon, a business session with an address by Cole and the report of the committee of the Allied Information Department, a Bingo party for the ladies and a night club party. A golf tournament will be held at the Northfield Country Club Friday, followed by a general session with a talk by Myers and the election of officers and directors. The proceedings will close with a cocktail party, the Myers' testimonial dinner and dancing.

Trade Show Exhibits

Manufacturers and distributors who will have exhibits at the trade show include: American Seating Co.; RCA Manufacturing Co., Kroehler Manufacturing Co., National Screen Service, National Theatre Supply Co., Heywood-Wakefield Seating Co., Dennis Games, C. Cretors & Co., Sanitary Automatic Candy Co., Penn State Supply Co., M-G-M and Universal.

Presses Bingo Action

MILWAUKEE, Sept. 22.—Charles W. Trampe, local exhibitor and head of Film Service, Inc., at a hearing before Court Commissioner Charles A. Orth, refused to accede to a plea that he drop his action to restrain the American Luther Association from conducting Bingo games.

Hays to Address D.A.R.

Will H. Hays, president of the M.P.P.D.A., will address the annual conference of the Indiana Chapter of the Daughters of the American Revolution on Oct. 1 at French Lick Springs, Ind.

Critics' Quotes . . .

"NO TIME FOR COMEDY" (Warners)

Effective transcription of a successful stage play into a film, with important additions and subtractions, by the Brothers Epstein, is accomplished . . . Smartly dialogued.—*John L. Scott, Los Angeles Times.*

Provides a few sparkling lines and a bright performance by Rosalind Russell. . . . Neither as sophisticated nor as amusing as the original.—*Laura Lee, Philadelphia Bulletin.*

Rosalind Russell and always-in-the-middle James Stewart team up perfectly to provide amusement and plus-diversion . . . swell fun with some grand make-believing by the entire cast.—*Dorothy Guinan, Philadelphia Daily News.*

Probably better suited to the talents of James Stewart and Rosalind Russell than was the original . . . most laughable performance is turned in by Louise Beavers.—*Philadelphia Inquirer.*

More entertaining that "No Time for Comedy," the S. N. Behrman play . . . a surprisingly acceptable movie.—*Elsie Finn, Philadelphia Record.*

"I LOVE YOU AGAIN" (M-G-M)

This popular team always means good entertainment. . . . Mr. Powell goes from polite comedy to hilarious slapstick.—*Boston Post.*

Nuttier than a fruit cake and thickly raisened with laughs . . . grand entertainment.—*Boston Record.*

"RANGERS OF FORTUNE" (Paramount)

There's entertainment to be found if you enjoy your Westerns in a whimsical vein . . . you'll probably find it lively stuff while wondering at the same moment what all the shooting's for.—*Harry Mines, Los Angeles Daily News.*

Paramount has fastened on peculiarly timely entertainment and has launched a series which must be continued with the dashing "Musketeers" MacMurray, Dekker and Roland.—*Los Angeles Examiner.*

Producer Dale Van Every wins praise for the quality of the production, one that should prove extremely popular with all types of film devotees . . . fast, furious film fare.—*Jimmy Starr, Los Angeles Herald-Express.*

It's a rip-snortin' super-Western that holds interest all the way through . . . plenty of action.—*Los Angeles Times.*

"RHYTHM ON THE RIVER" (Paramount)

A light but definitely delightful little picture . . . a film which is certain to please all who see it.—*Garrett D. Byrnes, Providence Journal.*

A pleasing excurison into amiable trivialities. . . . The story is not especially adept or sparkling, but it will do, as the saying goes.—*Norman Clark, Baltimore News-Post.*

The perfect pickup . . . hilarious and downright homey. . . . Paramount is to be praised because story and direction by Victor Schertzinger are perfectly tailored to the delightful cast.—*Chicago Herald American.*

You will like the music in this as well as the fact that there is a nice story, too.—*Lotte Stovall, Chicago Daily Times.*

"BOOM TOWN" (M-G-M)

If you want something complete in the line of entertainment let us suggest "Boom Town." . . . an ideal vehicle for crisp and speedy action.—*Ollie Wood, Philadelphia Ledger.*

Had a crowded house, remindful of the old vaudeville days at the theatre . . . highly enthused about this grand picture.—*Philadelphia Daily News.*

Notable for cast, speed, color, comedy and heartbreak, not to mention spectacle.—*Laura Lee, Philadelphia Bulletin.*

More show than substance—but it's a lot for your money at that.—*Elsie Finn, Philadelphia Record.*

A rip-roaring, action-packed yarn that keeps one guessing every minute. —*Mildred Martin, Philadelphia Inquirer.*

It is four pictures in one; or put it this way: "Boom Town's" got everything that ever was. It can't lose because it doesn't gamble.—*Cecelia Ager, PM, New York.*

Has a bit of everything, plenty of laughs, hearty melodrama, and several well cast personalities . . . will probably be popular enough to justify the presence of all those stars.—*Eileen Creelman, New York Sun.*

Practically pops a button with its vigorous action . . . the thing becomes so complicated that it is almost impossible to follow.—*William Boehnel, New York World-Telegram.*

Rousing screen staff . . . holding up mighty well under the combined talents.—*Irene Thirer, New York Post.*

Virile and stirring, and if the plot is old and repetitious, all is forgiven in the face of excellent direction that provides the utmost in thrills and suspense.—*Lee Mortimer, New York Daily Mirror.*

Only the most blase film goer could fail to be impressed . . . there is no gainsaying the solid showmanship values . . . a show for your money, but not a very good one, to my way of thinking.—*Howard Barnes, New York Herald Tribune.*

Subtelty is not the essense of the comedy, but it is a big, fast-moving and entertaining film.—*Kate Cameron, New York Daily News.*

A big, brawling, sprawling action picture which the audiences seemed to enjoy mightily. . . . Director Jack Conway has had some trouble controlling the flow of the film.—*Bosley Crowther, New York Times.*

Pleasantly removed from present day significances and is devised solely as an out-and-out adventure yarn. All of which consequently spells bang-up entertainment.—*Rose Pelswick, New York Journal American.*

Short Subject Reviews

"Information Please, No. 1"

(RKO)

Adams, Levant and Kieran are on hand as usual with Clifton Fadiman still master of ceremonies and with Anna Neagle as guest. Miss Neagl is a beautiful and charming addition to the group and gives good account of herself in answering the questions. In an amusing conclusion each member is asked to demonstrate how a diaper should be adjusted on a doll. Running time, 11 mins.

"Dave Elman's Hobby Lobby"

(Columbia)

This is abundantly rich in exploitation potentialities. The program, which has been enjoyed by millions on the radio, makes an entertaining motion picture short. As produced and directed by Arthur Leonard, the film shows hobbyists with their particular means of diversion. The short is strongly augmented with the appearance of Mrs. Roosevelt, who tells of the hobbies of each member of the first family. Elman interviews each hobbyist on the screen just as he does on his radio program. Running time, 11 mins.

"Football Thrills of 1939"

(M-G-M)

This is a Pete Smith film compilation of the football highlights of 1939. It reviews the spectacular runs and thrilling plays during many of the year's top games. Off-screen sound effects and Smith's commentary are very funny. The short is amusing and exciting. Running time, 10 mins.

"Cruising With the Coast Guard"

(Universal)

Following the academic term, Coast Guard cadets are given practical experience on board a cutter, operating big guns and living as sailors. The ship visits colorful ports in Central and South America. The appeal of this seems to be mainly to masculine audiences. Running time, 10 mins.

"March of Time, No. 1"

(RKO)

A subject of unquestioned historical value, and certainly attuned to the newspaper headlines of the day, this latest issue of the "March of Time," titled "On Foreign Newsfronts," records a few of the dramatic highlights of the Second World War up to the present. The manner in which such material is and has been covered by the foreign correspondents of American newspapers and newspaper services is the jumping-off place for the subject matter, but aside from an occasional closeup of a correspondent, and a flash inside a Ministry of Information news room in London, the subject concentrates entirely on the war highlights. They, of course, make for compelling screen material, since, although they actually are nothing that any newsreel cannot prepare and release, they do offer an impressive picture of a chain of momentous events, when seen in concentrated sequence. Running time, 19 mins.

FALL GATHERING

of the

MOTION PICTURE INDUSTRY

ALLIED THEATRE OWNERS OF NEW JERSEY, INC.

21st ANNUAL CONVENTION
and TESTIMONIAL BANQUET

to

COMMISSIONER ABRAM F. MYERS

Allied States Association of Motion
Picture Exhibitors, Washington, D. C.

at the

PRESIDENT HOTEL
ATLANTIC CITY, N. J.

September 25, 26, and 27, 1940

Television of NBC Returns For Testing

NBC's television station returned to the air last week with a test pattern. The switchover from the eliminated Channel No. 1 to the new frequency was completed on schedule, and the new transmitter hookup broadcasts with 507 lines instead of 441 as it did when it went off the air in August.

Engineers stressed that the completion of the major portion of the work did not indicate that the transmitter could be used now for regular programs. It was pointed out that considerable testing had to be done and the problem of eliminating "bugs" is substantial.

NBC officials declined to state when regular programs would be resumed. It was pointed out that the work was progressing on schedule and that nothing could be added at this time.

The pattern was flashed on the air for only seconds at a time and there was no announcement concerning it. Engineers asserted that the new line definition made little difference in the clarity of the image and that only experts could detect a change.

Sets on the market will require no change at present to receive the new signal. Since the 507-line image is about three-eighths of an inch narrower than the 441 picture, an adjustment of a small screw in the back of the receiver will be needed but this does not require an expert. In addition, the receiver will have to be tuned to Channel No. 2 as marked on the set. Ultimately, of course, sets will have to be adjusted to receive all the new frequencies but it is considered unlikely that his will be done prior to the establishment of stations on the new channels.

Benchley Here to Start Para. Shorts

Robert Benchley has arrived at the Paramount home office from the Coast to discuss plans on the six shorts he will make for the company during the coming season. He will collaborate with Leslie Roush and Justin Herman of the Paramount shorts department.

The first of the shorts will go into work at the Paramount Astoria studio today, with Roush directing. The first three will be shot within the next two weeks. They are tentatively titled, "How to Control the Nerves," "The Woman's Angle" and "Waiting for Baby."

Heads Exchange Union

PHILADELPHIA, Sept. 22.—Ferd Fortunate, Universal booker, has been elected vice-president of the Film Exchange Employes, replacing Ben Harris, who earlier in the month organized the American Film Exchange. Harris will continue with the group as an inactive member and was elected honorary vice-president for the remainder of his term.

Will Address S.M.P.E.

HOLLYWOOD, Sept. 22. — Count Alexis de Sakhnoffsky, designing authority, will address the Society of Motion Picture Engineers here tomorrow night.

Off the Antenna

IN addition to the Kate Smith broadcast over CBS last Friday of a dramatization of "Brigham Young—Frontiersman," 20th Century-Fox has arranged for another Kate Smith broadcast for "Down Argentine Way," on Oct. 11. Tieups with other networks for the latter picture also have been arranged and a hookup with Latin America by short wave is being considered.

• • •

Purely Personal: *Lunsford P. Yandell, NBC commercial short wave director, will discuss Latin American broadcasting at a dinner of the Advertising Women of New York tomorrow evening. . . . The engagement of Marty Glickman, WHN sports announcer, to Marjorie Dorman has been announced. . . . John Hiestand will replace John Conte as announcer on the "Screen Guild Theatre" program over CBS. . . . E. C. Krautters, WCKY, Cincinnati, sales manager, has resigned. . . . Wilfred Woods, WHO, Des Moines, publicity head, has been elected vice-president of the Des Moines Advertising Club.*

• • •

WEAF over the weekend cut its broadcasting time from 6:30 A.M. to 2 A.M. to the new hours of 7 A.M. to 1 A.M. The purpose of the shift is to permit tests of the new transmitter and will continue until it is ready for use some time in October. When the transmitter is officially ready for use, NBC plans to hire a yacht for a week and invite agency time buyers, sponsors, newspaper men and other interested persons on inspection trips.

• • •

Taking a cue from Hollywood, WCAU, Philadelphia, will establish a central casting office for dramatic radio talent as a feature of its drive to obtain new voices for the microphone. Registration will be open only to those with proven ability. The bureau will be located in the WCAU building and will be made available to all other Philadelphia stations without cost.

• • •

Program News: *The new Bromo Seltzer show, "Ben Bernie's Musical Quiz," will start over 68 NBC-Blue stations Tuesday, Oct. 1 at 8 P.M. and will feature Bernie's orchestra, the Bailey sisters, a musical quiz and another audience participation. . . . Campbell's Soup has renewed "Martha Webster" over 57 CBS stations. The program is heard Monday through Friday at 11:15 A.M. . . . "America Sings" will be sponsored by Carnation Milk over 67 NBC-Red stations beginning Monday, Oct. 7, at 10 P.M. . . . The Alka-Seltzer "National Barn Dance" celebrates its 15th year on the air and its seventh on NBC Saturday.*

Schines Inaugurate Radio Broadcasting

ROCHESTER, Sept. 22.—Fifteen-minute radio programs five nights a week and Sunday afternoon have been inaugurated by Schine Theatres here over Station WSAY.

Kay Kruzer, who formerly was with Fox Theatres on the West Coast and associated with Buffalo radio stations, is featured organist on the programs broadcast from the Riviera. Guest singers are also on the programs, arranged and announced by Bob Meagher, Schine's advertising manager.

Warners File Motion

NEW HAVEN, Sept. 22.—Warners have moved to have the answer of J. F. Shulman of the Plaza, Windsor, Conn., stricken out and to have Shulman dropped as a party defendant in the action of the Lampert Theatre of Windsor, Inc., against Warners. The action, filed last February, seeks an injunction and damages as a result of an alleged violation of agreement not to sell second run in the town of Windsor.

Bioff Released from Jail

CHICAGO, Sept. 22.—William Bioff, I. A. T. S. E. leader, was released from Bridewell prison here Friday after completing a six-month sentence on an old charge. He issued a statement saying he bore "no malice or ill-feeling against anyone."

Lubitsch Signs Meredith

HOLLYWOOD, Sept. 22.—Ernst Lubitsch has signed Burgess Meredith for the comedy he will produce starring Merle Oberon and Melvyn Douglas, for U. A. release.

RCA Dismissal Plea Decision Reserved

N. Y. Supreme Court Justice Bernard Shientag on Friday reserved decision on an application of RCA to dismiss a consolidated stockholders' suit brought against it, its officers, General Electric, American Telephone & Telegraph Co., and Western Electric Co. Former Judge Joseph M. Proskauer argued for the dismissal claiming that the suit was barred by the statute of limitations and that the complaint did not state a cause of action.

The motion was originally scheduled for hearing in May but was postponed because of efforts to settle the action, which was subsequently dropped. The suit charges waste and mismanagement and the transfer of a large block of shares of RCA. Plaintiffs were represented by Abraham L. Pomerantz.

Ascap's Counsel to Lincoln for Hearing

Louis D. Frohlich and Herman Finkelstein of Ascap counsel will leave for Lincoln, Neb., Oct. 3 for a Federal court hearing on the record for the U. S. Supreme Court appeal on the constitutionality of the Nebraska anti-Ascap law. The statute was held invalid by a Federal statutory court last Spring and the state took an appeal to the Supreme Court.

Scharin in Hollywood

Eugen Scharin, vice-president of Fortrade Corp. of America, left via TWA Stratoliner Saturday for Hollywood, to discuss plans for a John Stahl production. He will return in about three weeks.

See Settlement of AFRA-Web Fight

William H. Davis, chairman of the New York State Labor Mediation Board, declared Friday that there was every indication that the dispute between the networks and American Federation of Radio Artists would be settled amicably. A discussion was held at Davis' office Friday and negotiations will be resumed Wednesday morning.

4 Networks Sell Communists Time

The Communist Party has succeeded in buying time for four national hookups and may buy a fifth, it was learned over the weekend. NBC-Blue will carry two, CBS, one, and MBS one, with CBS scheduled to get the fifth if time is cleared.

Earl Browder, presidential candidate, will speak over the Blue Wednesday at 10:45 P.M. and James Ford, vice-presidential candidate, will speak over the same web Oct. 21 at 10:45 P.M. On Oct. 4, at 10:15 P.M., Mutual will carry a speech and the CBS date is Oct. 10 at 10:15 P.M. The fifth date will be either Nov. 3 or 4 over CBS if time can be cleared. Speakers for the last three dates have not been set. All programs are for 15 minutes.

Because of the fact that Browder has been convicted of violation of Federal passport laws and is not permitted to leave the jurisdiction of the New York Federal Court, transcriptions are being prepared and will be spotted on individual stations if time can be purchased.

Statewide hookups are also being arranged, the first of which will be the NBC Quaker network in Pennsylvania Wednesday night at 8:30, two hours before the speech over NBC-Blue. Browder will speak from New York but his speech will be carried to Pennsylvania by telephone lines.

Network officials stated that they were undecided about making any announcement disclaiming responsibility for the Communist talks. In June, when they were granted free time, a brief announcement stated that time had to be granted under the Communications Act and that the speeches did not reflect the opinion of the network.

Recordgraph Is Sued

Suit for $115,000 damages has been filed in N. Y. Supreme Court by Edward J. Malone, Jr., against Recordgraph Corp., Albert G. Tompkins, John W. Montgomery and Howell & Co., Inc. Plaintiff claims he was induced by misrepresentation to sell to the defendants 6,000 shares of Recordgraph stock in 1939 after receiving the stock for promotional work.

Coughlin Leaves the Air

DETROIT, Sept. 22.—Rev. Charles E. Coughlin has dropped his plans for weekly broadcasts which were scheduled to start Oct. 20, he has revealed. Father Coughlin said many small stations had agreed to accept his talks but many of the larger stations had refused "for various reasons."

FILE COPY
DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 60 NEW YORK, U. S. A., TUESDAY, SEPTEMBER 24, 1940 TEN CENTS

Revenues of 705 Stations $89,990,646

1939 Broadcast Income Is $18,206,716

WASHINGTON, Sept. 23.—Broadcast revenues of 705 radio stations in 1939 totaled $89,990,646 against which they had expenses of $71,783,930, leaving a broadcast service income of $18,206,716 for the year, it was reported today by the Federal Communications Commission.

Detailed figures on the reports of 519 stations with time sales in excess of $25,000 each and total broadcast revenue of $87,265,839, showed that there were six with a revenue of $1,000,000 or more. With aggregate revenue of $10,460,123, and 32 in the $500,000-$1,000,000 class with total revenue of $22,398,847, there were 178 stations with revenues of $100,000 to $500,000 with an aggregate revenue of $34,397,170, the commission reported.

Of the total revenues, the 519 stations obtained $22,500,941 from the

(*Continued on page 6*)

New Films Strong In B'way Starts

Four new films established themselves on Broadway over the weekend with strong grosses. "The Ramparts We Watch" with a stage show at the Music Hall grossed an estimated $56.000 for its first four days and will make way Thursday for "Howards of Virginia."

"Pastor Hall" drew an estimated

(*Continued on page 7*)

First Luncheon Held For 'Night of Stars'

First "Night of Stars" campaign committees' luncheon was held at the Hotel Astor yesterday with about 400 in attendance. Nathan Straus, chairman, presided. Talks were given by Marvin Schenck, chairman of the producing committee, Rabbi Jonah B. Wise and others.

The "Night of Stars" show Nov. 27 at Madison Square Garden will be for the benefit of the United Jewish Appeal. Honorary chairmen of the producing committee are Barney Balaban, David Bernstein, Nate Blumberg, Jack Cohn, George J. Schaefer, Joseph M. Schenck, Maurice Silverstone and Albert Warner. Mrs. Leo Spitz is co-chairman.

RKO Closes New Pact For Disney Features, Shorts

RKO has signed a new releasing contract with Walt Disney Productions, under which the distributing company will continue to release the Disney short subjects and will handle two feature productions, "Bambi" and "The Reluctant Dragon," both of which are now in work.

"Fantasia," the new Disney feature which will open a roadshow engagement in New York in November, will be roadshown exclusively and will not be distributed by RKO.

The contract was negotiated by George J. Schaefer, president; Ned E. Depinet, vice-president, and Gordon E. Youngman, assistant secretary, acting for RKO, and Roy Disney and Gunther Lessing, general counsel for Disney, acting for the producer. "The Reluctant Dragon," which uses some live action, is nearing completion, and "Bambi," based on the novel by Felix Salten, has been in work for two years.

Goldwyn to Carry On UA Pact Fight

Samuel Goldwyn will carry on his legal battle for a declaratory judgment to have his United Artists releasing contract pronounced invalid and will designate a new attorney to succeed the late Max Steuer to handle the case for him within the next day or two, the producer stated yesterday.

Authorities believed last night that the attorney Goldwyn has in mind is William D. Mitchell, former U. S. Attorney General.

Asked whether there was a possi-

(*Continued on page 7*)

RKO's Experiment Seeks Dual Solution

RKO Proctor's 86th St., beginning Thursday, will start its double feature program with the main feature at 9:30 P. M.

According to John J. O'Connor, vice-president in charge of RKO Theatres, Emil Groth, manager of the house, conducted a poll on double features. As a result the plan was developed, to be continued indefinitely, under which patrons desiring to see only the main feature may be sure of doing so at 9:30. The second feature will go on after the first. The plan may be extended to other RKO theatres.

Tax Revenue Rises 150%

WASHINGTON, Sept. 23.—Federal admission tax collections increased more than 150 per cent in the first month of the application of the new 20-cent exemption, it was disclosed tonight by the Bureau of Internal Revenue.

Treasury receipts in August, covering July business, the bureau reported, totaled $4,407,097, as compared with $1,650,163 in July and $1,513,468 in August, 1939.

On the basis of the July experience, a possible revenue of some $55,000,000 a year will be raised under the 20-cent exemption, as compared with slightly less than $22,000,000 last year on the old 40-cent basis.

Approximately $85,000,000 in new revenue was derived from the de-

(*Continued on page 7*)

Studio Conditions Better Than for Years: Arnold

By **EDWARD GREIF**

Conditions at the studios are in the most satisfactory state they have been in for many years as far as actors are concerned and there is little likelihood of any disputes with producers this season, according to Edward Arnold, newly elected president of the Screen Actors Guild. Several minor points may need clarification, Arnold says, but these can be settled without trouble.

Arnold is in town for a Kate Smith broadcast over CBS Friday, and he will return to the Coast the following day. He has several radio programs for which he has auditioned and will discuss them during his stay here.

The most serious problem the S.A.G. faces at the moment is the reduction of the extra ranks, he reports. Arnold believes about 25 per cent of those now on the rolls should be dropped. While deploring the fact that some performers would be deprived of a medium, Arnold points out that the elimination of about 1,000 extras who earn less than $200 annually would permit those more regularly employed to earn more.

MPTOA Plans 'Finish Fight' On Five-Block

Executive Committee in Vote Backs Move

COLUMBUS, Miss., Sept. 23.—"A fight to the limit" by the M.P.T.O.A. against the block-of-five clause of the pending Federal consent decree was authorized unanimously by the executive committee of the organization through a poll of committee members which has just been completed by Ed Kuykendall, president.

What form the fight will take has not been decided yet, but Kuykendall plans to leave for Washington about Oct. 1 to confer further with Department of Justice officials.

If these final conferences fail to result in a change in the five-picture clause the M. P. T. O. A. presumably will resort to litigation to oppose adoption of the decree.

Kuykendall said he had been authoritatively advised today that the Government has made no final decision on the dceree.

Arbitration Rules Sent to Washington

Copies of the virtually completed arbitration rules to supplement the proposed Federal consent decree were sent to the Department of Justice in Washington and to the home offices of the five consenting companies for checking and confirmation yesterday.

The arbitration proposals also are being examined by the legal advisory committee of the American Arbitration Association and the views of all three interests are expected to be made

(*Continued on page 7*)

Sentence Nick and Weston to 5 Years

ST. LOUIS, Sept. 23.—John P. Nick, ousted head of the Motion Picture Operators' Union, Local 143, and Clyde A. Weston, former business agent, were sentenced to five years in Federal prison and fined $10,000 each by Federal Judge John Caskie here today. They were convicted last week on charges of violating the anti-racketeering law.

Nick and Weston were released on bond pending an appeal. They were convicted on 11 counts.

Ask Shots of N. Y. Be Brought Up to Date

THE Broadway Association has requested Hollywood studios to take new "stock" shots of Times Square and other parts of New York, contending that the present material is out-dated.

H. Frederick Bright, managing director of the Association, points out that such landmarks as the Cadillac Hotel, the International Casino and the old Palace Theatre front have been replaced, and new landmarks have been added.

Bioff's Tax Trial Put Over Until Feb.

Los Angeles, Sept. 23.—William Bioff, I.A.T.S.E. leader, today obtained a continuance until February of his Federal trial on two counts of alleged tax evasion when his attorney, George Breslin, told Judge Paul J. McCormick that Bioff's witnesses would be tied up in Joseph M. Schenck's Federal tax trial, which is scheduled to start in New York Oct. 3. Judge McCormick will set Bioff's trial date in February.

Delay Skouras Hearing

Federal Judge James P. Leamy yesterday postponed until Oct. 7 hearings to fix a date of trial of the Government's suit against George Skouras, Skouras Theatres, Ktima Corp. and Harvey B. Newins. The adjournment was granted when it was ascertained that no judge was available to hear the case.

MAINLINERS to
Los Angeles
NO CHANGE OF SLEEPERS
The Continental Lv. 7 pm
The Overland Flyer Lv. 10:40pm
Luxurious thru coast-to-coast Mainliners — at United's high, smoother flight levels.
Travel agents, hotels, or
UNITED AIR LINES
67 Wall St. or 58 E. 42nd St.
MU-2-7300

Personal Mention

LOUIS B. MAYER and HOWARD STRICKLING are expected in New York from the Coast tonight or tomorrow morning.

•

WILLIAM A. SCULLY, Universal vice-president and general sales manager, returned from Chicago yesterday.

•

FRED LANGE, Paramount Continental European manager, and LAUDY LAWRENCE, Loew's Continental manager, will leave for Europe as soon as they can obtain the necessary visas.

•

JAMES ROOSEVELT left for the Coast by plane yesterday following the opening at the Globe of his film, "Pastor Hall."

•

HARRY NEEDLES, Warner Theatres district manager at Hartford, is confined to his home by illness.

•

RALPH B. AUSTRIAN, assistant vice-president of RCA Photophone, is en route to Hollywood for conferences.

•

JOHN NOLAN and C. A. RYAN, construction superintendent for the Comerford Circuit, visited in Providence over the weekend.

•

FAY FREEMAN of the Century Circuit has been inducted as president of the Junior League of Beth Israel Hospital.

•

JACOB SILVERMAN of Silverman Brothers Circuit, Altoona, Pa., is in town.

ANDREW W. SMITH, RKO sales manager, left for Chicago by air last night on business. He had just returned from Toronto.

•

CHARLES BOASBERG, ELMER LUX and GEORGE LEFKO, RKO sales executives, attended the bachelor party in Albany yesterday for GEORGE LYNCH, Schine circuit chief booker, who will be married next month.

•

MAURICE BERGMAN, MORRIS KINZLER, SAM SHAIN, EDWARD PESKAY, BEN WASHER, AL MARGOLIES, MONROE GREENTHAL, ABEL GREEN, MORRIS HELPRIN, MAURICE SILVERSTONE, EMANUEL SILVERSTONE, STEVEN PALLOS, HARRY GOLD and JOHN WRIGHT lunched yesterday at Lindy's (next to the Rivoli).

•

A. A. SCHUBART, manager of RKO exchange operations, has returned from Chicago.

•

WILLIAM F. RODGERS, OSCAR A. DOOB, MAX DREYFUS, EDDIE GRAINGER, WILLIAM ORR and TED O'SHEA lunching at Nick's Hunting Room in the Astor yesterday.

•

EDWARD SMALL, HARRY GOETZ, LAUDY LAWRENCE, RODNEY BUSH, AL WILKIE, JOHN BYRAM, MORT SPRING and JACK KIRKLAND lunched yesterday at Sardi's.

•

JACK COHN, STANLEY FIELDS, NATE SPINGOLD and JOSEPH MOSKOWITZ at Lindy's (51st St.) for lunch yesterday.

Premieres on Both Coasts for 'Thief'

Simultaneous premieres of Alexander Korda's "Thief of Bagdad" may be held in New York and Los Angeles Oct. 17. The picture will open on that date at the Carthay Circle, Los Angeles, on a roadshow policy. The opening here depends upon the availability by that date of a theatre now being sought.

The picture will be roadshown in a half-dozen or more key cities. A prior booking by the Music Hall here automatically becomes deferred to a date following the roadshow run on Broadway as a result of an admission scale in excess of $1.65 top being established for the roadshows, in accordance with the Music Hall contract.

Missouri M.P.T.O. Will Meet Sept. 30

St. Louis, Sept. 23.—The M.P.T.O. of Eastern Missouri and Illinois will hold its annual meeting at the Coronado Hotel here Sept. 30. Officers will be elected.

Ed Kuykendall, national president of the M.P.T.O.A., will be the chief speaker. Fred Wehrenberg is head of the organization here.

Donahue & Coe Named

Donahue & Coe, Inc., advertising agency, has been named to handle advertising for the Skouras Theatre Corp. circuit here. A daily motion picture directory has already been started in local newspapers.

Judges Will View 'Ramparts' Today

Philadelphia, Sept. 23.—Judges B. A. Milner, Raymond MacNeille and H. A. Davis tomorrow at 2 P. M. will see "The Ramparts We Watch" in the projection room of the Pennsylvania State Censor Board, which has banned the March of Time film. The ban was appealed this morning by attorneys for the producer and Jay Emanuel, operator of the Park, Reading, and Senate, Harrisburg.

The court, which denied a motion of the Deputy State Attorney General for a postponement, will set a date for hearing after the screening. The National Council on Freedom from Censorship and the American Civil Liberties Union have volunteered to intervene in the suit against the ban.

Lawrence Publicity Director for AMPP

Hollywood, Sept. 23.—Jock Lawrence, former publicity director for Samuel Goldwyn, over the weekend was appointed to the newly created post of assistant to the president, in charge of press relations, of the Association of Motion Picture Producers.

Y. Frank Freeman, president of the association, declared Lawrence will work with the studio publicity directors' committee, headed by Harry Brand of 20th Century-Fox. Lawrence's duties will include those formerly performed by Tom S. Pettey, who resigned recently to become Hollywood correspondent for *PM*.

RKO Executives at Dinner to McNamee

Philadelphia, Sept. 23.—Approximately 250 members of the local film industry turned out for the testimonial dinner this evening at the Hotel Warwick in honor of Frank McNamee, the departing RKO branch manager here, and Charles Zagrans, the new branch manager.

Prominent Executives Present

In addition to the guests of honor, on the dais were: Ned E. Depinet and Robert Mochrie, respectively RKO vice-president and Eastern sales manager; Nat Levy, RKO Eastern district manager; Edgar Moss, 20th Century-Fox district manager here; William Goldman, independent circuit operator; Jay Emanuel, barker of the local Variety Club; John Nolan Comerford Circuit executive; Judge James P. Crumlish of the Common Pleas Court here; Francis L. Sullivan and Thomas C. Egan, local attorneys and Earl W. Sweigert, Paramount branch manager here, who was also chairman of the affair.

Powers Gouraud, local radio commentator, was toastmaster. A gold watch was presented McNamee, who ended 18 years with RKO and its predecessors to enter other fields, and a set of sterling silverware to Zagrans, who celebrates his 20th year in the industry.

RKO Delegation

At the RKO table out-of-towners included Al Sindlinger and John R. Wood, Jr., March of Time; A. A. Schubart, manager of exchange operations; S. Barret McCormick, advertising and publicity director; J. Harry Michalson, short subject sales manager; Michael Poller, playdate department; Robert S. Wolff, New York exchange head; Herbert H. Ringblatt, Pittsburgh branch manager, and Robert J. Folliard, Washington manager, as well as Al Folliard and E. Burns of the Washington exchange.

From Scranton and Wilkes-Barre came John Robert, Manny Schmidt, John Comerford and Harry Spiegel, all of the Comerford Circuit. Other out-of-towners included Isadore Rappaport and Harry Cahn, Baltimore exhibitors, and George Crouch of the Warner exchange in Washington.

Party for Bette Davis

Warners will hold a cocktail party for Bette Davis tomorrow afternoon at the Hotel Gotham.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

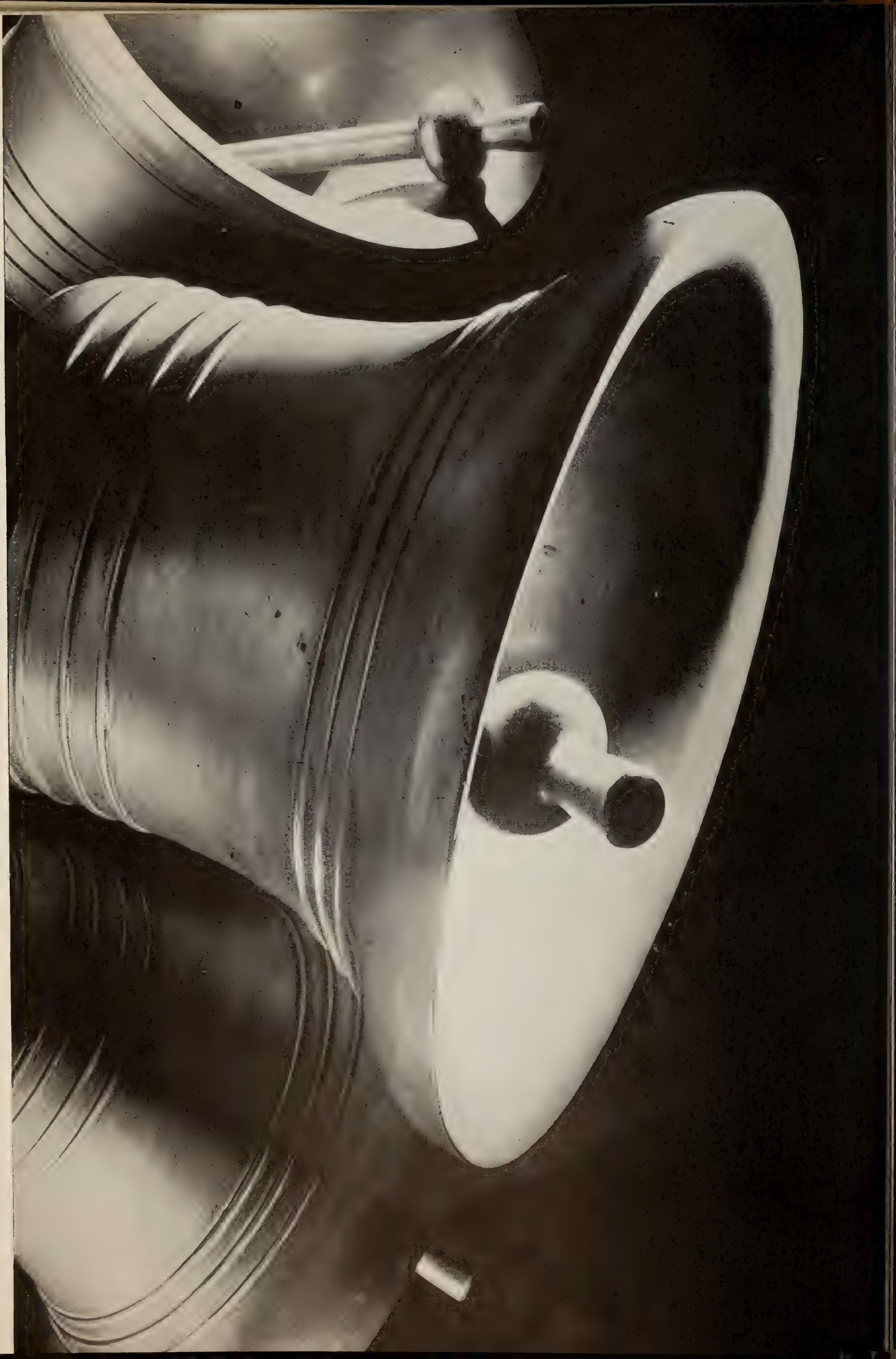
Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

THE NEW WARNER CONQUEST!

JAMES
CAGNEY · ANN
SHERIDAN

CITY FOR CONQUEST

with
FRANK CRAVEN · **DONALD CRISP**
FRANK McHUGH · **ARTHUR KENNEDY**
George Tobias · Jerome Cowan
An ANATOLE LITVAK Production
Screen Play by John Wexley · From the Novel by Aben Kandel
Music by Max Steiner · A Warner Bros.-First National Picture



It is Sunday morning . . .

It is Sunday morning in America.

Here are a man and his wife, too old now for the trip on foot to their church in the village square.

Here's a small-town girl in a great city, confident, unafraid. On Sunday mornings, maybe only on Sunday mornings, she knows the deep need—

And here's a traveller in a car or speeding train; and here's a rancher fifty miles from anywhere; and here an invalid, bed-bound—

It's Sunday morning. There is something special about Sunday morning.

* * *

Every Sunday morning at ten, and again every Sunday afternoon at one, Columbia's Church of the Air begins its service.

Before its single pulpit sits a nation-wide audience of millions. Men and women of every creed, of every class, listen and are heartened.

That audience, ever growing, has gathered before that pulpit nearly a thousand times—twice each Sunday for nine years. Last month Columbia began the tenth year of these weekly church services. The Church of the Air will broadcast its thousandth service over Columbia's network during this Tenth Anniversary Year.

The principles upon which Columbia launched its Church of the Air have never changed. There was of course from the first full recognition of the religious rights and beliefs of a nation-wide audience of many faiths.

Within that recognition, within that basic framework of freedom, there had to be fitted in, sensitively and justly, a proportionate representation of those many faiths.

Now, for the tenth year, the Church of the Air will go forward in that same way, on those same principles, which are America's principles.

Americans have responded to the Church of the Air. Each week, many thousands write warm and generous letters of praise. Always, too, there are letters from short-wave listeners in foreign lands. Often, and increasingly, come letters praising an individual service from people of quite different faith.

* * *

From the beginning Columbia has sought ways to twin the vast new powers of radio with the vast new responsibilities of radio. Here, in the Church of the Air, that search has been deeply rewarded.

In 1930 no one could predict that in a brief and terrible decade America would stand, almost alone, as mankind's strongest citadel of religious freedom. Today Columbia's Church of the Air thus becomes not only a far-flung phenomenon that brings pleasure and comfort to millions—

It becomes, too, twice each Sunday, by its very presence on the air, by the very ease with which it goes on the air, an object lesson in democracy.

It is Sunday morning in America . . .

THE ADVISORY BOARD: From the start, the Church of the Air has had the guidance of an advisory board whose members are of these faiths: Baptist, Catholic, Christian Science, Congregational, Disciples of Christ, Episcopal, Jewish, Lutheran, Methodist, Mormon and Presbyterian.

These faiths, and others with smaller congregations, share the Church of the Air periods in proportion to the numerical strength of each group in this country.

CBS

The Columbia
Broadcasting System

Assure Radio Regimentation Not Intended

WASHINGTON, Sept. 23.—Plans for defense coordination of communications now awaiting approval of President Roosevelt do not involve regimentation of the industry in the present emergency but contemplate only the development and drafting of regulations to be put into effect in the event of war, it was declared today by Federal Communications Commission Chairman James L. Fly.

Chairman Fly explained that it is proposed to set up committees on which all branches of the industry will be fully represented, rather than to create a new and expensive agency. The committees, probably acting under a coordination committee consisting of representatives of interested Federal departments and the industry, are to develop "paper plans" for the operation of all forms of communication, which are to be "locked up." They will not be put into effect unless the United States becomes involved in war.

The matter will be taken up with the President in a few days by the FCC chairman, it was indicated. All objections raised by broadcasters and others who were apprehensive of immediate Government control have been dealt with satisfactorily, Fly said.

Rochester Station Cancels Red Talks

ROCHESTER, Sept. 23.—WSAY has cancelled a series of broadcasts scheduled by the Communist Party of Monroe County, it was revealed today by Mortimer Nusbaum, station manager. The series, which was carried locally for four weeks, was not considered "in the best interest, convenience or necessity of the public," Nusbaum said.

A Communist organizer who was granted time to explain his party's position charged that the action was an abrogation of freedom of speech and said action would be taken to upset the ruling. The weekly 15-minute broadcasts were scheduled to continue seven weeks. The fact that the Communist Party is no longer a legal party in this state aided the station in making the move, WSAY officials said.

NBC recently banned the Communist talks but later was compelled to accept them because of a Communications Law requirement that all candidates be given equal treatment. CBS and Mutual have also booked Communist Party speeches.

FCC to See Color Television Friday

WASHINGTON, Sept. 23.—Members of the Federal Communications Commission and representatives of its engineering staff will go to New York Friday for an inspection of developments made by Columbia Broadcasting System in color television, it was disclosed today by FCC Chairman James L. Fly. Fly said it is probable that some time in November members of the commission will make another tour of television laboratories to acquaint themselves with progress made.

Off the Antenna

A CENTRALIZED music bureau in New York is planned for the Mutual network to clear the copyright title to musical compositions, Fred Weber, general manager, reported yesterday upon his return from a board meeting in Chicago last week. Weber stated that the directors were well satisfied with the workings of the volume discount plan. He also said that a great many Mutual stations have filed applications for FM licenses with the FCC but did not disclose the exact number.

• • •

Purely Personal: *Frank Braucher, WOR director and vice-president, has resigned effective Nov.* 1. *Braucher, who was with the station since* 1937, *has not announced his plans for the future. . . . John Dickson has been named Mutual's Berlin representative. . . . H. T. Rowe,* Herald-Tribune *radio editor, has been promoted to assistant Sunday editor and will be replaced by Betty Colclough. . . . Don Sims, continuity writer for CKLW, Windsor-Detroit, leaves next Tuesday to become station manager of WMSL, Decatur, Ala.*

• • •

Elliott Roosevelt, head of the Texas State Network, said yesterday that he would have to discontinue his talks over the air as soon as he received his assignment as captain in the Army Air Corps. Roosevelt left New York yesterday for Washington.

• • •

Program News: Four renewals were announced by CBS yesterday. They were "Dr. Christian" with Jean Hersholt by the Cheseborough Mfg. Co. Wednesdays at 8:30 P.M. on 64 stations; "Blondie" with Penny Singleton and Arthur Lake, by the R. J. Reynolds Tobacco Co. Mondays at 7:30 P.M. over 58 stations; "Saturday Night Serenade" by Pet Milk Saturdays at 9:45 P.M. over 54 stations; and "Vox Pop" with Parks Johnston and Wally Butterworth by Penn Tobacco Co. 7:30 P.M. Thursdays over 50 stations. . . . Hotel Astor has renewed for an additional 13 weeks "Memories of Broadway," a weekly half-hour show in Spanish over NBC short wave. . . . "Lorenzo Jones" has been renewed by Charles H. Phillips Chemical Co. over 52 NBC-Red stations Mondays through Fridays at 4:30 P.M. . . . "Young Widder Brown" heard Mondays through Fridays at 4:45 P.M. over 51 NBC-Red stations has been renewed by the Bayer Co. . . . Grove Laboratories will sponsor "Sherlock Holmes" with Basil Rathbone over NBC-Blue Sundays at 8:30 P.M. beginning next Sunday. . . . Dublin Clothiers will sponsor "Echoes of Erin" Sundays at 9 P.M. over WBNX. . . . Revelation Tobacco will sponsor Eddie Dooley in football forecasts and scores over three Mutual stations Thursdays and Saturdays at 8:15 P.M. beginning Thursday. . . . Natural Bloom cigars is sponsoring "Today's Sports" over WMCA Mondays through Saturdays at 6:30 P.M.

• • •

Film Players on the Air: *Joan Bennett and Walter Wanger will be guests on "In Chicago Tonight" over Mutual Thursday at 8:30 P.M. . . . Claudette Colbert and Fred MacMurray will be heard in an adaptation of "His Girl Friday" over CBS on the "Lux Radio Theatre" next Monday at 9 P.M. . . . Dorothy Lamour, Walter Huston and Kirsten Flagstad, the opera singer, will be guests on "Kraft Music Hall" over NBC-Red tomorrow at 9 P.M. . . . Gloria Jean will be guest on the Bob Hope show over NBC-Red at* 10 *tonight.*

• • •

Among those scheduled to appear on the Canadian Red Cross Emergency Appeal program Sunday at 7 P.M. are Dionne Quintuplets, Ronald Colman, Laurence Olivier, Vivien Leigh, Herbert Marshall, Mary Pickford, Madeleine Carroll, C. Aubrey Smith, Anna Neagle, Cedric Hardwicke, Nigel Bruce, Fred Bartholomew, June Lockhart, Montagu Love, Reginald Gardner, Betty Jane Rhodes, Gloria Jean, Gracie Fields, Alfred Hitchcock, Alexander Korda and Edmund Goulding. Mutual has definitely booked the show and it is likely that the other networks will follow suit, although this was not definite last night.

'Police' Receipts Go To Ambulance Fund

Receipts of the five-theatre premiere of "North West Mounted Police" in Regina, Saskatchewan, on Oct. 21 will be turned over to the North West Mounted Police for the purchase of ambulance equipment, N. L. Nathanson, head of Famous Players Canadian, yesterday informed Barney Balaban, president of Paramount.

Nathanson also reported the booking of the film on either Oct. 24 or 25 at the following theatres: Capitol, Vancouver; Capitol, Edmonton; Capitol, Winnipeg; Capitol, Ottawa; Uptown, Toronto; Loew's, Montreal, and Capitol, Halifax.

Schneider's Mother Dies

Mrs. Elizabeth Schneider, 78 years old, mother of William Schneider, assistant to Robert M. Gillham of Paramount, died of a heart attack yesterday at her home, 8510 55th Ave., Elmhurst. Funeral services will be held Thursday.

Frank Maffey Dies

CINCINNATI, Sept. 23.—Frank Maffey, 88, doorman at the Royal, downtown subsequent run unit of Associated Theatres, died at St. Mary Hospital after a short illness. Maffey, who had been with the Royal for 28 years, is believed to have been one of the oldest doormen in the United States.

Novel Theft

Mexico City, Sept. 23.—CONVICTED of stealing electric power by meddling with the meters, two important grind houses, the Imperial and Universal, were fine $1,500 each by the Federal Government. This is the first time that exhibitors here have been convicted of such an offense.

705 Stations Have $89,990,646 Gross

(*Continued from page* 1)

sale of time to major networks, $1,139,244 from sales to regional networks and $437,943 from sales to other networks. Stations' sales of non-network time returned $30,472,053 from national and regional users and $34,590,967 to local users. Payments to nets and stations from sale of time amounted to $743,559 and commissions accounted for $8,127,455, both of which were deducted from time sale receipts. Talent sales accounted for $4,524,219 of the revenue and commissions from placing talent another $110,262.

The commission reported that of the 705 stations, 362 with revenues of $50,000 or more showed a total broadcast income of $18,490,118, while 343 with lesser revenues showed a deficiency of $283,402.

State Ticket Law Is Upheld by Court

Legality of the state ticket law which limits brokers to advances of 75 cents on tickets was upheld in the N. Y. Supreme Court yesterday by Justice J. Sidney Bernstein, who denied a writ to restrain License Commissioner Paul Moss and Police Commissioner Lewis J. Valentine from enforcing the law. Justice Bernstein stated that the five broker plaintiffs could have an early trial if they desired it.

In a 15-page opinion, it was held that the U. S. Supreme Court has changed its opinion since that court ruled limitations on ticket brokers' prices unconstitutional. Justice Bernstein pointed out that most brokers in the city have been operating for the past two years under an agreement with the League of N. Y. Theatres to limit advances to 75 cents for orchestra and 50 cents for balcony seats.

Kaufman Gets Dinner

CHICAGO, Sept. 23.—A farewell bachelor dinner was tendered to Joseph Kaufman, of the B. & K. booking staff at the Congress Hotel. Kaufman will be married on Oct. 3 to Helen Kosman of the Warner staff here.

Katzman to New York

HOLLYWOOD, Sept. 23.—Sam Katzman will leave tomorrow for New York prior to starting his new Monogram releasing contract under which he will produce four films starring Leo Gorcey.

Unterfort Wins Prize

SYRACUSE, N. Y., Sept. 23.—Harry Unterfort, city manager here for the Schine Circuit, has won first prize in a circuit-wide contest on promotion.

Arbitration Rules Sent to Washington

(*Continued from page* 1)

known to the arbitration committee by the end of the week.

The work of putting the proposed decree into legal language continued yesterday and daily meetings will be held in an effort to complete the formal draft by Friday.

The arbitration proposals provide for pay for those serving as arbitrators, although this is not customary for appointees of the A.A.A. Each local arbitration board will have a clerk who will receive applications in writing for hearings on any complaint to be arbitrated. When a complaint has been filed, all parties involved are to be notified at once and, if they are willing to submit to arbitration, the names of arbitrators in the local panel are to be sent to the principals. By eliminating some members of the panel and by designating others as first, second or third choice, the single arbitrator most acceptable to both sides will be determined to hear the complaint.

Arbitrators are to submit their decisions in writing within 30 days after hearing a case. If a distributor party to a complaint fails to abide by the decision of an arbitrator, an action for contempt can be instituted, since the arbitration provisions are regarded as an accessory of the decree.

Appeals may be taken to an appeal board of three arbitrators who will sit in New York. No appeal from their decision can be taken unless charges of irregularities, bias or prejudice are involved. Rules for the conduct of the appeals board have not been set yet and may await the actual formation of that board and then be set by it.

Only this and such minor considerations as whether minutes of arbitration hearings will be kept now remain to be settled. It is argued that the keeping of minutes would increase the cost of hearings and, therefore, should not be mandatory.

Connecticut MPTO Opposed to Decree

New Haven, Sept. 23.—The Connecticut M.P.T.O. adopted a resolution today opposing the proposed Federal consent decree.

Herman M. Levy, executive secretary, was authorized by the membership to communicate to Assistant U. S. Attorney General Thurman Arnold the organizaion's belief that the decree will aggravate the block booking problem, will merely add to the exhibitor's present burdens and will fail utterly to accomplish any of the purposes for which it is intended.

Club Plans Program

Baltimore, Sept. 23.—The local Variety Club will open its new season with a stag smoker Thursday evening. Plans for Winter program are to be outlined. J. Louis Rome, chief barker, will preside, assisted by first assistant barker Frank Durkee and second assistant barker, William Hicks.

Says Equipment Obsolete

Hollywood, Sept. 23.—Count Alexis de Sakhnoffsky, industrial engineer, tonight told a meeting of the S.M.P.E. here that the industry is creating many forms of equipment which are obsolete, that art and engineering must be brought together.

Hollywood Review

"The Gay Caballero"

(*20th Century-Fox*)

Hollywood, Sept. 23.—Latest and one of the best of the "Cisco Kid" series, judging by preview audience applause, "The Gay Caballero" swings merrily along for its 60 minutes, with action enough to satisfy even the most confirmed Western fan.

Cesar Romero, in his customary role of a light hearted romantic beloved by the peons and feared by the marauding element, aided as always by Chris-Pin Martin, thwarts plans to bilk an Englishman of his share of a ranch. Montagu Shaw portrays the Englishman, who has put everything he owns into a $15,000 investment in the ranch. Sheila Ryan enacts the role of his daughter.

Seen as the owner of the ranch, determined that no one shall take any part of it away from her, is Janet Beecher, with Robert Sterling interpreting her nephew. Edmund MacDonald is the ranch owner's foreman, who tries to carry out her orders to keep the ranch for her.

Based on the O. Henry character, the original story was written by Walter Bullock and Albert Duffy, the screenplay by Duffy and John Larkin. Otto Brower directed, with Walter Morosco and Ralph Dietrich as associate producers.

Running time, 60 minutes. "G."* W. S.

**"G" denotes general classification.*

New Films Strong In B'way Starts

(*Continued from page* 1)

$6,200 for Saturday and Sunday at the Globe.

With a take of an estimated $19,000 for Saturday and Sunday, "Rangers of Fortune" with Jan Savitt's band and the Andrews Sisters on the stage should gross an estimated $42,000 for the week ending tonight at the Paramount.

At the Roxy "Brigham Young—Frontiersman" supported by a stage show headed by Barry Wood drew an estimated $26,500 over the weekend.

Holdovers were also strong. "Boom Town" drew an estimated $21,000 for the first four days of its third week. In its fourth week at the Rivoli which ends tonight, "Foreign Correspondent" should be good for an estimated $28,000. The first three days of the third week for "No Time for Comedy" at the Strand with Larry Clinton's band on the stage grossed an estimated $23,000. "Hell's Cargo" in six days at the Globe drew an estimated $4,500.

Goldwyn to Carry On UA Pact Fight

(*Continued from page* 1)

bility of the action being amicably settled, Goldwyn said: "The fight is just beginning. The issues are of a kind which must be settled by a court of law and the case was well prepared."

Goldwyn expects the case will be tried this Fall and decided before his next picture is ready for release. He said he plans to proceed with production of "The Little Foxes," with Bette Davis this Winter, and also will make a big musical with Bob Hope, who will be loaned to Goldwyn by Paramount. He also has in preparation "City Without Men," "Black Gold," "Seventh Cavalry" and a story based on the life of Hans Christian Andersen.

Goldwyn will leave for the Coast on Friday. He came here following the premiere of "The Westerner" at Fort Worth.

Roosevelt Heads Soundies

Hollywood, Sept. 23.—James Roosevelt has been elected president of Soundies Distributing Corp. with Mills Novelty Co. executives as other officers. The company will handle the coin film machines for which Roosevelt will produce films.

Perlberg to 20th-Fox

Hollywood, Sept. 23. — William Perlberg was signed today by 20th Century-Fox as associate producer.

New Federal Tax Raises August Revenue by 150%

(*Continued from page* 1)

fense levies which went into effect July 1, not including those on individual and corporate income which will not be reflected in the figures until next March.

The greatly increased revenue for August brought total admission tax collection for the first eight months of this year to $17,225,032, as compared with $12,202,945 in the corresponding period in 1939, it was reported.

Indications of a decline in business in the Third New York (Broadway) district were seen in the bureau's report that collections there increased only from $484,661 in July to $549,592 last month. In the same period last year collections declined from $397,416 to $336,191.

Analysis of the district's returns showed that revenue from admissions was $515,927 in August against $434,748 in July and $291,413 in August, 1939.

Other collections included $4,265 on tickets sold by brokers, against $16,937 in July; $22 on tickets sold by proprietors in excess of established prices, against $1,250; $190 on permanent use or lease of boxes and seats.

LeRoy Returns to Coast

Hollywood, Sept. 23.—Mervyn LeRoy has returned from a three weeks' stay in New York.

Presenting...
MARY BOLAND in
HIT PARADE OF 1941
starring
Kenny BAKER · Frances LANGFORD
Hugh HERBERT · Mary BOLAND · Ann MILLER
PATSY KELLY · PHIL SILVERS · STERLING HOLLOWAY
DONALD MacBRIDE · BARNETT PARKER
FRANKLIN PANGBORN · SIX HITS AND A MISS
Borrah MINEVITCH and his HARMONICA RASCALS · John H. Auer—Director
A Republic PICTURE
AND A BRILLIANT CAST OF SCREEN AND RADIO STARS!

Box Office Tonic
FOR SMALL THEATRES

To bring them in and keep them coming, your screen illumination must be modern. The new "One-Kilowatt" High Intensity Arcs offer a most effective box-office stimulant for all small theatres that do not now have High Intensity Projection.

Modern in every respect, the new "One-Kilowatt" High Intensity Arcs are designed especially for the small theatre. They meet the most exacting requirements for a screen light of the highest quality at a very reasonable installation and operating cost.

Snow white light of daylight quality — perfect for color features and greatly improves black and white projection.

A high level of screen illumination — (50% more than low intensity) — for comfortable vision and clear natural pictures. Also prevents groping and promotes safety by permitting more light for general illumination of the auditorium.

Quality projection pays dividends by increasing audience satisfaction. Satisfied patrons come again and again — and tell others.

CARBON ARC PROJECTION LAMPS ARE OPERATED AT SAFE VOLTAGE. THEY ARE THOROUGHLY RELIABLE AND FREE FROM UNEXPECTED OUTAGES

The new "One-Kilowatt" Arcs use "National", "Suprex" and "Orotip" Carbons

The words "National", "Suprex" and "Orotip" are trade-marks of National Carbon Company, Inc.

NATIONAL CARBON COMPANY, INC.
Unit of Union Carbide and Carbon Corporation
UCC

Carbon Sales Division, Cleveland, Ohio
GENERAL OFFICES
30 East 42nd Street, New York, N. Y.
BRANCH SALES OFFICES
New York, Pittsburgh, Chicago, St. Louis, San Francisco

FILE COPY
REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 61 NEW YORK, U. S. A., WEDNESDAY, SEPTEMBER 25, 1940 TEN CENTS

Defense Unit Ordered for Broadcasting

Board of Limited Power Operative in War

WASHINGTON, Sept. 24.—Establishment of a Defense Communications Board to develop plans for the use and protection of communications in the event of war, but specifically without any power to censor broadcasting or other communications or to take over any facilities, was ordered today by President Roosevelt.

Signing an executive order which has been on his desk for some weeks, the President designated the chairman of the Federal Communications Commission to be chairman of the board, other members of which will be the Chief Signal Officer of the Army, the Director of Naval Communications, an Assistant Secretary of State and an Assistant Secretary of the Treasury. The various branches of the communications industry will cooperate in an advisory capacity with the board.

In an explanatory statement issued from the White House, it was disclosed that the board was initiated jointly by the Federal agencies interested in communications, with the

(*Continued on page* 8)

AGVA Votes to Ban All Anti-Americans

A resolution banning Nazis, Communists, Fascists, members of the Christian Front and sympathizers with these movements from employment in the New York local of the American Guild of Variety Artists was adopted at a membership meeting early yesterday.

Peter Wells, acting president, was renominated and Jimmy Hollywood of the "Hellzapoppin'" cast was named to oppose him in the elections Oct. 28. There are contests for seven of the eight offices and 29 nominations for the 23 non-officer vacancies on the board.

Nominated for first vice-president were Elton Rich, Dave Fox, and Consuelo Flowerton.

Vote for Sunday Shows Regarded As Virtually Sure

Passage of the Sunday stage show issue was regarded as a virtual certainty yesterday when the council of Actors Equity ruled that members of Chorus Equity could vote on an equal basis with Actors Equity members. The form of the referendum question was settled yesterday and the ballots will be mailed this week. Votes must be cast before Oct. 31 by members in good standing as of Nov. 1.

Although the membership meeting at the Hotel Astor Friday must approve sending out the ballots, little opposition is anticipated.

The council will hold a special meeting tomorrow to prepare a report for the members on the charges of Communist dominance in the union made by Rep. William P. Lambertson of Kansas.

The council approved several changes in the ticket broker code for this season. One change will permit the brokers to be represented on a special consultation committee but denied them seats on the Code Enforcement Authority. Other changes were not revealed.

N. J. Allied to Get Buying Poll Data

PHILADELPHIA, Sept. 24.—The Allied Information Department will meet here tomorrow to prepare its initial report on its exhibitor buying survey, to be submitted Thursday to the New Jersey Allied convention in Atlantic City.

In addition to the full committee, several national Allied directors will sit in on the meeting, to be held in the offices of Sidney E. Samuelson, head of the Allied organization here and chairman of the information committee. Copies of the report will be distributed to all independent exhibitors attending the Atlantic City sessions.

Delegates Arrive for Convention

ATLANTIC CITY, Sept. 24.—Delegates began to gather here this evening for the three-day 21st annual convention of

(*Continued on page* 5)

A POLL of exhibitor opinion on block booking, cancellation and the unit-of-five selling provision of the proposed New York case consent decree is now being conducted by MOTION PICTURE DAILY. The results of this poll, which covers independent and affiliated exhibitors throughout the country, will be published at an early date.

UNIVERSAL IN NEW DEAL ON CURRENCY

Not Included in Former British Agreement Expiring Oct. 31

Universal will be included with the other seven major companies in the new British currency export agreement with American distributors, which is scheduled to be decided within the next month, it was learned yesterday.

The agreement expiring Oct. 31 allowed the seven companies to withdraw 50 per cent of $35,000,000, which was determined as the three-year average business done by them in Britain. This would be increased by about $2,000,000 with the inclusion of Universal, if the new agreement is renewed on the same basis for another year.

Universal was not included in the monetary agreement established last year. General Film Distributors, which distributes for Universal in Britain, handled the currency export arrangements for the company and remitted allowable sums to Universal.

No definite proposals for the new monetary agreement have been received in New York yet although discussions have been under way in London for more than a month.

Distribution companies have been hopeful of having the past year's business in Britain accepted as the basis for the new currency agreement but sharp increases in business recorded there during the past year by most of the companies, Universal among them, make Britain's acceptance of this proposal doubtful since it would increase the allowable withdrawals of currency.

Advisory Plan On Arbitration Is Abandoned

A proposal for the appointment of arbitration coordinators from among experienced industry figures in all exchange centers, who would act as advisers to the arbitration boards to be set up under the proposed Federal consent decree has been abandoned, officials said yesterday.

The proposal was first made in answer to widespread exhibitor criticism of the arbitration panels to be made up of men entirely without industry experience. It contemplated the appointment of the coordinators after consultation with regional exhibitor organizations and other trade groups in every city in which an arbitration board is to be established. The coordinators would serve in advisory capacities whenever called upon by either arbitrators or parties to a dispute.

The final draft of the pending decree moved a step nearer to completion yesterday during an all-day meeting of the drafting committee at the office of Colonel William J. Donovan, RKO counsel. The committee will continue to meet daily until the draft is completed.

No Interruptions to Argentine Shipments

Film shipments to Argentina have not been interrupted by the embargo on American merchandise imposed by the Argentine import control board last week, it was indicated yesterday by shipping authorities.

Indications are that films may have been placed on a preferred list when the embargo was proclaimed, although no official advice to this effect has been received. The embargo is scheduled to be lifted Oct. 5.

Grover Jones Dies; Was Veteran Writer

LOS ANGELES, Sept. 24.—Grover Jones, 47, veteran screen writer, died in St. Vincent's Hospital here today from complications following an operation. He had been ill 10 days. He leaves his widow, two children, his mother and a brother.

Jones's last work was "Shepherd of the Hills," for Paramount. He started his career as a laborer at Universal and through the years worked in virtually every branch of production, from scene painting to directing. He wrote a great number of films for Paramount and others. He was first president of the Screen Playwrights.

6 Million at Frisco Fair, Ends Monday

San Francisco, Sept. 24.—Final day for the World's Fair here is set for Monday, with the 6,000,000 attendance mark due to be passed by the middle of this week. Attendance has been more than 30 per cent ahead of last year for the same number of days.

RKO to Release U. S. Film Free of Rental

"Power and the Land," third in the series of political propaganda films produced by the Federal Government, is to be distributed by RKO Radio Pictures Corp. free of film rental, according to announcement of Ned E. Depinet, vice-president in charge of distribution.

Earlier pictures in the series included "The Plow That Broke the Plains," devoted to an exposition of the Administration's Triple A projects for agriculture, and "The River," which was concerned with an approval of the plan and purposes of the Tennessee Valley Authority.

The new film was produced for the Rural Electrification Administration. The director is Joris Ivens, who has been prominently identified with Left-wing documentary film activities. Ivens was the producer of "Spanish Earth," Left-wing view of events of the Spanish Civil War, and "The 400,000,000," which treated with the situation in China.

No release date for "Power and the Land" has been announced.

Personal Mention

ROY DISNEY, business manager for Walt Disney Productions, plans to leave for the Coast Friday.

•

ASSEMBLYMAN W. T. A. WEBB, only exhibitor in the New York state legislature, won the renomination in the Republican primary. He manages Smalley's Sidney Theatre at Sidney.

•

J. REAL NETH, president of the J. Real Neth Theatres, Columbus, has been appointed acting city safety director for one year.

•

GEORGE TYSON, on a four-month leave of absence to direct the "Miss America" beauty pageant in Atlantic City, has resumed his post as publicity director for the Harris Amusement Co., Pittsburgh.

•

AUDREY E. REPASS, daughter of CHARLES REPASS, operator of the Crown, Hartford, Conn., will be married to OTTO LEXIUS Oct. 12.

•

GERTRUDE SCHAPIRO of the M-G-M home office and PAUL PELLMAN of New York, who were married recently, are on a wedding trip.

•

HARRY WENZEL, Advertising Accessories manager at New Haven, is vacationing in Maine.

•

GEORGE WEBER, M-G-M checking supervisor in New Haven, will take the official pictures of the Yale football games.

SIDNEY R. KENT, president of 20th Century-Fox, will leave for California at the end of the month.

•

LEE MARCUS, CHARLES MACARTHUR, JOSEPH VOGEL, OSCAR A. DOOB, OWEN DAVIS, HARRY BRANDT, GEORGE WELTNER, FRED LANGE, HELEN HAYES and MAURICE BERGMAN at Nick's Hunting Room in the Astor for lunch yesterday.

•

IRVING RAPPER, Warner dialogue director, arrived yesterday for a vacation.

•

MAX WEISFELDT, EMANUEL SILVERSTONE and RUBE JACKTER having lunch yesterday at Lindy's (next to the Rivoli).

•

MILTON KUSELL, MARC CONNELLY, VINCENT TROTTA, FRANK PHELPS, JOHN D. HERTZ, JR., CHARLES CURRAN, JACK GODDARD, SI FABIAN, ALAN DINEHART, RICHARD BARTHELMESS, BEN BOYAR and NOEL MADISON lunching yesterday at Sardi's.

•

MARTIN QUIGLEY, COLVIN BROWN, NORMAN C. NICHOLSON, EUGENE PICKER, MARVIN SCHENCK, BERT WHEELER, DOUGLAS ROTHACKER, AL MARGOLIES and SAM CITRON at the Tavern for lunch yesterday.

•

CHARLES STERN, JACK GOETZ, AL YOUNG and J. J. MILSTEIN lunching at Lindy's (51st St.) yesterday.

•

WILLIAM HAWKS is here from the Coast for a visit.

•

CHARLES LAZARUS, M-G-M New Haven booker, is spending a week at Old Orchard Beach.

•

WALTER MARTIN has resigned as head shipper at the 20th Century-Fox Seattle exchange to reenter the University of Washington. He has been replaced by RITCHIE MORRISON.

•

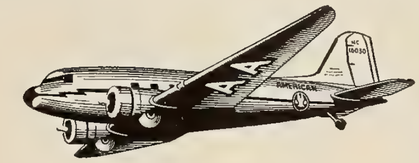
RUTH GOLDBERG of the RKO New Haven office will vacation for a week in Washington.

•

GORDON MCEVOY has joined the Fay's Theatre, Providence, as assistant.

Take the Broadway For 'Fantasia' Run

The Broadway Theatre has been leased by Walt Disney Productions for the roadshow engagement here of "Fantasia," new Disney symphonic feature-length cartoon which is scheduled to open in mid-November. Special sound equipment will be installed in the house for the engagement. The picture will be shown twice daily at advanced admissions with the Disney organization handling all phases of the exhibition as in other key cities. The run here is scheduled for about three months.



CALIFORNIA
TEXAS ★ ARIZONA

5 FLAGSHIPS DAILY COAST-TO-COAST

★ It's only an overnight skysleeper trip to Los Angeles via American's Famous Sunshine Route! Delicious meals aloft. Stewardess service. For reservations, call your Travel Agent or HAvemeyer 6-5000. Ticket Offices: Rockefeller Center, 18 W. 49th St.; Grand Central, 45 Vanderbilt Ave.

CONVENIENT DEPARTURES
The Sun Country Special 7:05 am
The Plainsman . . . 4:10 pm
The Mercury (Two Sections) 4:45 & 5:10 pm
The Southerner . . . 10:15 pm
(Standard Time)

AMERICAN AIRLINES Inc.
ROUTE OF THE FLAGSHIPS

ALTEC
SERVICE CORPORATION
250 West 57th Street • New York City
THE SERVICE ORGANIZATION OF THE MOTION PICTURE INDUSTRY

Newsreel Parade

THERE is nothing unusual in the way of war news in the new series, air raid damage on Buckingham Palace being the leading item from the battle front. The reels and their contents follow:

MOVIETONE NEWS, No. 5—Buckingham Palace and London homes hit by bombs. Troops march in Rumania. Roosevelt receives honorary degree. Willkie campaigns in San Francisco. J. Edgar Hoover addresses legionnaires. Largest ferryboat launched in Wisconsin. Football in Texas. Motor boat races. Racing at Narragansett.

NEWS OF THE DAY, No. 203—Kidnapped boy home safely. Bomb hits Buckingham Palace. Willkie tours West. Roosevelt honored at University of Pennsylvania. National Guardsmen mobilized. Football in Boston.

PARAMOUNT NEWS, No. 8—Legion convention in Boston. British and French battle in West Africa. Buckingham Palace bombed. Kidnapped boy returned. Willkie tours the West. Football at Boston College. Redskins and Giants game in Washington.

RKO PATHE NEWS, No. 8—Willkie tours California. Roosevelt receives University of Pennsylvania degree. Buckingham Palace hit in air raid. War report by General Strong. Largest ferry launched. Unveil Paul Revere statue. Racing at Narragansett.

UNIVERSAL NEWSREEL, No. 913—Air raid damage in England. Guardsmen at Fort Dix. American Legion convention in Boston. Launch largest ferry in Wisconsin. Willkie in Los Angeles. Roosevelt at Philadelphia navy yard. Horse racing.

Testimonial Lunch For Dembow Today

The home office force and the Metropolitan sales staff of National Screen Service today at the Hotel Astor will tender a luncheon to George F. Dembow, vice-president in charge of sales, in appreciation of his leadership in the recent national sales drive.

Leading executives of National Screen and associated companies who will attend are: Herman Robbins, Toby Gruen, Charles Casanave, William B. Brenner, Jack Leo and others.

Paralysis Net $1,407,245

The Committee for the Celebration of the President's Birthday, of which Joseph M. Schenck was vice-chairman, raised a net total of $1,407,245.74 in the 1940 "Fight Infantile Paralysis" campaign. The amount exceeds all previous records. Eddie Cantor was chairman of March of Dimes of the Air, a part of the drive.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

SITTING ON TOP OF THE WORLD!

"Boom Town's" booming!
"Strike Up The Band" is a ten-strike!
"Wyoming" is wonderful!
"Escape" is excellent!
"Third Finger, Left Hand" is a honey!
"Bitter Sweet" is bountiful!
"The Philadelphia Story" is a sweetheart!
You'll get it after the New Year!
And there's a flock more where they came from!

Enjoy That Friendly Company Feeling!

'Fifth Column' Title Use Is Restrained

N. Y. Supreme Court Justice Felix Benvenga yesterday signed a final judgment restraining the Film Alliance of the U. S. from using the title "Fifth Column Squad" for its film originally titled "Spies of the Air."

The injunction was obtained after suit was filed by Ernest Hemingway, Benjamin Glazer and the Theatre Guild, Inc., which had charged infringement and contended that the words "Fifth Column" belong exclusively to Hemingway as creator of the play of the same title.

Problems Weighed At MPPDA Meeting

A clinical discussion of industry problems occupied the adjourned meeting of the board of directors of M.P.P.D.A. yesterday, with general sales managers, national circuit executives and advertising and publicity directors called in for consultation with company heads.

The meeting discussed ways and means of improving the industry's public relations, of increasing theatre attendance and of assuring a continuous flow of top-grade entertainment despite the industry's foreign and domestic problems.

Whether the diagnosis was completed and a prescription compounded was not stated by the Hays Office following the meeting, but it was revealed that further round-table discussions will be held.

Among those attending were: Will H. Hays, Frederick L. Herron and Carl Milliken, M.P.P.D.A.; Barney Balaban, Robert M. Gillham, Neil F. Agnew and Leon Netter, Paramount; Joseph H. Hazen, Mort Blumenstock, Gradwell L. Sears and Harry Goldberg, Warners; Nicholas M. Schenck, Howard Dietz, William F. Rodgers and C. C. Moskowitz, Loew's; W. C. Michel, Charles E. McCarthy and William Sussman, 20th Century-Fox; Spyros Skouras, National Theatres; Jack Cohn, Nate Spingold and Abe Montague, Columbia; George J. Schaefer, Richard C. Patterson, Ned E. Depinet and S. Barret McCormick, RKO; John J. O'Connor and Malcolm Kingsberg, RKO Theatres; Nate J. Blumberg, Joseph Seidelman and Lou Pollock, Universal, and Earle W. Hammons.

End Shreveport Strike

Shreveport, La., Sept. 24.—A short-lived strike of union operators at the Glenwood here ended when Darrell George, theatre manager, announced a settlement had been reached within 24 hours after the house was forced to suspend a Sunday night show as the operators walked out on a full house.

Carson Visits Lehman

Albany, Sept. 24.—Kit Carson 3rd, descendant of the famous pioneer, winds up a trans-continental tour in behalf of the Edward Small-U. A. production, "Kit Carson," with a visit to Gov. Herbert H. Lehman here tomorrow.

Para. Drops Spanish Films, Signs Latin-American Star

Hollywood, Sept. 24

PARAMOUNT, which recently abandoned its series of productions in Spanish for the Latin-American market, has signed to a long term contract Esther Fernandez, well known Latin American star. Her first assignment will be in "Las Vegas Nights." The actress appeared opposite Tito Guizar, who at one time was under contract to Paramount, in the Mexican produced "Alla en el Rancho Grande," the highest grosser of any Latin American film.

• •

Warners, which often casts forthcoming pictures with players appearing together in a film about to be previewed or released, has announced that George Brent and Ann Sheridan, following the sneak preview of "Honeymoon for Three," will be teamed in "The Bride Came C. O. D.," original story by Kenneth Earl and M. M. Musselman. Jules and Phil Epstein will write the script, and William Keighley direct.

• •

"Obliging Young Lady," original by Arthur T. Horman, has been purchased by RKO . . . Forum Films' entire program of 26 subjects for use in schools will be made in Cinecolor, according to James S. Burkett, Forum president. . . . Bob Crosby and his band, The Bob Cats, have been signed by RKO for "Let's Find a Song" . . . 20th Century-Fox has changed the title of "The Californian," starring Tyrone Power, back to its original "The Mark of Zorro." It is a remake of the old Douglas Fairbanks vehicle.

• •

Lucien Hubbard, associate producer at 20th Century-Fox, upon his return from a leave of absence will produce a sequel to "Youth Will be Served," starring Jane Withers. The film will have an National Youth Administration camp background, as did the earlier film. The Withers vehicle has had one line, by a minor character, deleted in the release version because of a possible fear by executives that the N. Y. A. was being publicized. The release of the film has been set for after the November election.

Cary Grant will be starred in "Before the Fact," which Alfred Hitchcock will direct for RKO. . . . Alice Faye will sing "America, I Love You," vintage of World War I, in 20th Century-Fox's "Tin Pan Alley" . . . The same studio has signed dance director Seymour Felix to a term contract . . . Gail Patrick has been cast as a mother in "Fighting Sons," M-G-M . . . Edmund O'Brien replaces Richard Carlson in "No, No, Nanette" at RKO . . . Larry Darmour has retitled "John Braun's Body" as "Ellery Queen." It is the first of four mystery stories starring Ralph Bellamy for Columbia . . .

• •

"Forty Thousand Smiths," a comedy in three acts, will be presented at the Ben Bard Playhouse starting Oct. 15. Desider Pek wrote the comedy, which he is producing, with Don Brodie directing . . . Thomas Mitchell will be starred in "Trial and Error," Warners, which Vincent Sherman will direct . . . Burgess Meredith has been set for the Merle Oberon-Melvyn Douglas vehicle Ernst Lubitsch is producing and directing . . . Charles Coburn joins the cast of "Lady Eve," at Paramount.

• •

Charles Vidor will direct Paramount's "New York Town," in which Mary Martin will have her first dramatic screen role . . . He replaces Mitchell Leisen, originally announced, who in turn has replaced Ted Reed on the directorial assignment of "I Wanted Wings" . . . John Trent, commercial airplane pilot discovered some years ago by B. P. Schulberg, has been signed by Paramount for a role in "I Wanted Wings" . . . Irene Dunne will star in Warners' "Mr. Skeffington," best selling novel by Elizabeth which was announced for Bette Davis. Edmund Goulding will direct . . . Bill Boyd this week is expected to start back to work in the Harry Sherman-Paramount "Doomed Caravan," which was suspended about four months ago because of his fractured leg . . . A. Edward Sutherland is seeking Hawaiian swimmers for "Caribbean Nights," which will show scenes of men fighting tiger sharks.

Loan Out of Stage Player Questioned

Applicability of the N. Y. theatrical agency law to contracts which provide for the right of Broadway producers to loan out stage stars for screen and theatrical performance has been raised in the N. Y. Supreme Court by Emil K. Ellis, as attorney for Nan Rae and Maude Davis, actresses who are defendants in a suit brought by the Shuberts' Select Theatres Corp.

Select claims that the defendants are under a contract restricting their right to perform only for the plaintiff and that the defendants have breached the contract by performing for other producers.

N. Y. Supreme Court Justice Aron Steuer reserved decision after argument on an application for an injunction against the defendants.

AFL Delays Decision On Gompers Picture

A decision on whether the American Federation of Labor will produce a film on the life of Samuel Gompers, its former president, will not be made for about six weeks, Charles Sinnigen, chairman of the union label department, said yesterday. Unions and central labor bodies will be canvassed to determine whether sentiment favors such move and whether various locals or international bodies will finance it.

According to Sinnigen, the A.F.L. would have to raise $150,000 in order to obtain a $250,000 bank loan to finance the film. A decision on whether the A.F.L. should release the film itself or through the regular channels will be made after production details are set.

Seamen Welcome

Philadelphia, Sept. 24.—In response to a plea from the Seaman's Church Institute, Rube Robinovitz and Frank Jordan, managers of the Belgrade and Clearfield, respectively, have issued an invitation to all British seamen to attend their theatres as guests of the management. Nearby, at Pottsville, Pa., all the theatres have thrown open their doors to members of the National Guard encamped there.

Coast Democrats to Be Hosts to Wallace

The "Hollywood for Roosevelt Committee" will tender a luncheon on Saturday to Henry A. Wallace, Democratic nominee for vice-president, at the Hotel Biltmore, Los Angeles, according to Charles L. O'Reilly, chairman of the film industry division of the Democratic National Committee, who has returned from the Coast.

Pat O'Brien is chairman of the Hollywood committee, with the following officers: Joan Bennett, vice-chairman; Bryan Foy, treasurer; Sid Grauman and Abe Lastfogel, assistant treasurers; Ralph Block, secretary; Milton M. Black, counsel, and Fred B. Meyer, chairman of the industrial relations committee.

'Ramparts' Appeal Heard Tomorrow

Philadelphia, Sept. 24.—Common Pleas Court Judges Howard A. Davis, Byron A. Milner and Raymond MacNeille set 2 P.M. Thursday for hearing the appeal to rescind the state censor board's ban on "The Ramparts We Watch." The request of the state attorney for a later date was denied, the judges saying that since they have seen the film they are ready to hear the appeal. The judges and counsel viewed the film privately this afternoon.

Report Awaited on Chicago Censor Bill

Chicago, Sept. 24.—A report from the Committee on Judiciary of the local City Council is expected shortly on proposed ordinance to limit and modify the city's present police censor board. The measure was introduced by Alderman Earl Dickerson.

The Chicago *Daily Times,* in a strongly worded editorial, has called for passage of the measure. It has been indicated that the film, "Beast of Berlin," later retitled "Goosestep," banned by the local censor, may be approved by the board.

'Westerner' Gross High

Harry Gold, vice-president and Eastern general sales manager of United Artists, yesterday stated that "The Westerner" on the first four days of its release in 94 theatres throughout the southwest, from Thursday to Monday, last, including the weekend, grossed a total of $401,550. The figure includes the income from the tri-theatre opening in Ft. Worth last Thursday.

11 New Films Are Finished; Eight Started

HOLLYWOOD, Sept. 24.—Thirty-nine pictures were before the cameras this week as eight started and 11 finished. Twenty-three were being prepared, and 69 were being edited.

The tally by studio:

Columbia

Finished: "Revenge of the Lone Wolf," formerly "Alias the Lone Wolf."

In Work: "Passage West," "The Wild Cat of Tucson."

Started: "This Thing Called Love."

M-G-M

Finished: "Hullabaloo."

In Work: "Go West," "Flight Command," "Little Nellie Kelly," "Comrade X," "Fighting Songs," untitled Dr. Kildare.

Monogram

In Work: "The Ole Swimmin' Hole."

Paramount

Finished: "Love Thy Neighbor," "D. O. A.," "The Round Up."

In Work: "Virginia," "I Wanted Wings," "Shepherd of the Hills."

RKO

Finished: "Li'l Abner."

In Work: "Citizen Kane," "You'll Find Out," "No, No, Nanette," "Kitty Foyle," "Remedy for Riches," "Mr. and Mrs. Smith."

Republic

Finished: "Friendly Neighbors," "Trail Blazers."

In Work: "Who Killed Aunt Maggie?", "Melody Ranch."

Started: "The Mysterious Dr. Satan."

Loew-Lewin

In Work: "Flotsam."

20th Century-Fox

In Work: "Chad Hanna," "Hudson's Bay," "Tin Pan Alley," "Romance of the Rio Grande," "Golden Hoofs."

Started: "Corncob "Kelly's Benefit," "The Private Practice of Michael Shayne."

Universal

Finished: "Streets of Cairo."

In Work: "Caribbean Holiday," "The Bank Dick."

Started: "Who Killed Doc Robin,"

Warners

Finished: "Meet John Doe," "Santa Fe Trail."

In Work: "High Sierra," "The Lady with Red Hair," "South of Suez."

Started: "Always a Bride."

Nine States Proclaim 'Knute Rockne Week'

The governors of nine states have proclaimed the week of Sept. 29 to Oct. 5 as "Knute Rockne Week," in connection with the opening of Warners' 'Knute Rockne—All American" at South Bend, Ind., Oct. 4.

The states whose governors have proclaimed the "Rockne Week" are: Indiana, Illinois, Tennessee, Florida, New York, Iowa, Massachusetts, Louisiana and Georgia.

Short Subject Reviews

"Cavalcade of San Francisco"

(M-G-M)

The second in a new series of FitzPatrick Traveltalks which concentrates on the American scene, this is a tour of points of interest in San Francisco with considerable footage devoted to the "Cavalcade of the Golden West" production at the International Exposition. The latter reenacts colorfully various developments in the West such as the completion of the Pacific and Central railways. Photography here is especially good. Running time, 9 mins.

"Stranger Than Fiction, No. 81"

(Universal)

Here is a collection of five oddities. The items are a collection of handkerchiefs autographed by famous people, a doll's palace, a rifle association which uses muzzle-loading guns, the raising of flies to test insecticides and finally a group of goats used for light agricultural work. The short is mildly entertaining. Running time, 9 mins.

"Papa Gets the Bird"

(M-G-M)

Mama, Papa and Wilbur Bear are the characters in a Hugh Harman cartoon that only about average in entertainment. Papa, attempting to give a canary a bath, creates considerable disturbance and eventually lands in a well. There are some laughable situations in it, however. Running time, 8 mins.

"The Baron and the Rose"

(M-G-M)

John Nesbitt maintains the high standard established in his preceding "Passing Parade" shorts with this filming of the story behind the Pennsylvania church which pays in rent just one red rose annually. George Tobias enacts the principal role, that of a poor iron worker who, mastering the art of glass making, becomes extremely rich. He loses all his wealth, possessing only the deed to the church. In his will he stipulates the rent the church is to pay. Running time, 11 mins.

"Soak the Old"

(M-G-M)

This is a "Crime Does Not Pay" short, produced by Jack Chertok and Richard Goldstone, directed by Sammy Lee, and starring Ralph Morgan and Kenneth Cristy. It depicts the racket behind pension proponents who solicit funds allegedly to promote security laws for the aged. The subject is told well and makes for an interesting and exploitable short. Running time, 20 mins.

"I Dream of Jeannie With the Light Brown Hair"

(Universal)

This is a tuneful musical that engages an extensive array of talented vaudeville performers. The acts on view are: Roberts Brothers & Jack Brooks; David Laughton; Marilyn Kay; Frances Urban; The Stadlers; The Biltmorettes; June Siliman, and The Sportsmen. Running time, 17 mins.

"Pluto's Dream House"

(Disney-RKO)

Aladdin's magic lamp, this time with the voice of a Harlemite, is employed by Mickey Mouse to build a dog house for Pluto. Upon its completion, the lamp then undertakes to give Pluto a bath. A clever touch is added when an overturned radio broadcasts in succession the voices of various announcers discussing different subjects. Running time, 8 mins.

"Picture People"

(RKO)

This is the first of a series showing Hollywood stars when not at work. Seen are such as Genevieve Tobin, Stuart Erwin, Fred Stone, Jean Parker, Jack Oakie and Mary Carlisle, all at a dog show. Sigrid Gurie is pictured with her backyard menagerie, while Dick Powell is seen at a five-and-dime store opening. A tour of a broadcasting studio, highlighted by the appearance of Bob Hope and Jerry Colonna discussing "Yehudi," concludes the reel. Should please Hollywood fans particularly. Running time, 10 mins.

"He Asked for It"

(RKO)

This comedy, starring Leon Errol, has some amusing situations. Errol is the law-breaking but unobtrusive citizen who repeatedly receives tickets for traffic violations and the like. The judge and the police force decide to teach him a lesson by making false charges of bribery, income tax evasion and gambling against him. In addition to this, his wife brings suit for divorce. Finally he is released on five years' probation. Running time, 18 mins.

"Swing With Bing"

(Universal)

The Bing Crosby golf tournament, in which the crooner and the nation's leading experts participate, is filmed with Andy Devine providing comedy. The camera concentrates on Crosby only in the last sequence when he sings an appropriate song in true Crosby manner. The golf experts and Devine are seen for the most part with accent on comedy. Running time, 19 mins.

Taplinger to South Bend

Bob Taplinger, studio publicity head for Warners, now here, leaves tonight for South Bend to prepare for the premiere there of "Knute Rockne—All American," following which he will return to the Coast.

Plans 'Foreign' Sequel

HOLLYWOOD, Sept. 24.—Walter Wanger plans a sequel to "Foreign Correspondent," current United Artists release, with a locale here.

Name Winners in Time Billing Drive

The following RKO exchanges have been designated as exceeding their quotas in the March of Time fifth anniversary billings contest:

Albany, Atlanta, Calgary, Chicago, Dallas, Kansas City, Milwaukee, Montreal, New Orleans, Oklahoma City, Pittsburgh, St. John, St. Louis, San Francisco, Toronto, Vancouver, Washington and Winnipeg.

N. J. Allied To Get Poll

(Continued from page 1)

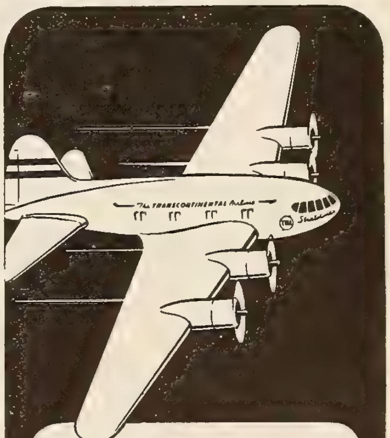
Allied of New Jersey, which opens tomorrow at the President Hotel.

Following registration of delegates tomorrow morning, there will be a general meeting in the Marine Room in the afternoon, with reports by committees and selection of a nominating committee for the annual elections. Later in the afternoon a directors' meeting will be held.

An Eastern regional conference will take place Thursday morning, with the report of the Allied Information Department and an address by Col. H. A. Cole, president of national Allied, as the afternoon highlights.

On Friday, the final day, the delegates will participate in a golf tournament in the morning at the Northfield Golf Country Club. The afternoon session will be addressed by Abram F. Myers, general counsel of national Allied; William F. Rodgers, general sales manager of M-G-M, and William A. Scully, general sales manager of Universal, among others. Election of officers will follow.

Lee Newbury, president of New Jersey Allied, will preside at the sessions. Among others expected to speak are: Jack Kirsch, Illinois Allied; M. A. Rosenberg, Allied of Western Pennsylvania; Frank Lydon, Independent Exhibitors of New England; Pete Wood, Ohio I.T.O., and Samuelson, of Eastern Pennsylvania Allied.



STRATOLINERS
Fastest, Smoothest
to LOS ANGELES
ONLY 15 HOURS 8 MINUTES
Fly the calm upper air levels, in these great new 4-Engine TWA Stratoliners. Supercharged cabins, every luxury for comfort aloft.
"THE SUPER SKY CHIEF"
Transcontinental Stratoliner
Leave New York . . . 6:00 pm.
Arrive Los Angeles . . 8:38 am.
$149.95 ONE WAY
10% Reduction on Round Trips
Reservations: Your Travel Agent or
MURRAYHILL 6-1640
70 EAST 42ND STREET
24 Hour Reservation Service
TRANSCONTINENTAL & WESTERN AIR, Inc.
TWA
The TRANSCONTINENTAL Airline

‘Sea Hawk’ Is Seattle’s Best With $8,500

SEATTLE, Sept. 24. — “The Sea Hawk” on a single bill at the Palomar, without the usual vaudeville, took a strong $8,500. “Boom Town,” in its second week at the Fifth Avenue, took $7,800. The weather was cool and clear.

Estimated takings for the week ending Sept. 20:

“The Ramparts We Watch” (RKO)
BLUE MOUSE—(950) (25c-40c) 7 days. Gross: $3,700. (Average, $4,000)
“Boom Town” (M-G-M)
FIFTH AVENUE—(2,500) (35c-50c-65c) 7 days. 2nd week. Gross: $7,800. (Average, $7,000)
“Queen of the Yukon” (Mono.)
“The Haunted House” (Col.)
LIBERTY—(1,800) (30c-40c-50c) 7 days. Gross: $3,800. (Average, $5,000)
“Rhythm on the River” (Para.)
“Charlie Chan at the Wax Museum” (20th-Fox)
MUSIC BOX—(950) (30c-40c-50c) 7 days. 3rd week. Gross: $3,100. (Average, $4,000)
“Rangers of Fortune” (Para.)
“I Want a Divorce” (Para.)
ORPHEUM—(2,450) (30c-40c-50c) 7 days. Gross: $4,900. (Average, $6,000)
“The Sea Hawk” (W.B.)
PALOMAR — (1,500) (30c-40c-50c-65c) 7 days. Gross: $8,500. (Average, $5,000)
“Wyoming” (M-G-M)
“Dr. Kildare Goes Home” (M-G-M)
PARAMOUNT — (3,050) (30c-40c-50c) 7 days. Gross: $5,800. (Average, $6,000)

‘Boom Town’ Gets $9,300 in Buffalo

BUFFALO, Sept. 24.—All houses drew well here in an excellent week. “Boom Town” made $9,300 in its third week at the Great Lakes. “Foreign Correspondent” drew $12,900 at the Buffalo. Aided by personal appearances of stars of the picture, “Dance Girl, Dance,” the Twentieth Century recorded $8,400.

Estimated takings for the week ending Sept. 21:

“Foreign Correspondent” (U. A.)
BUFFALO—(3,489) (35c-40c-60c) 7 days. Ernie Fiorito and orchestral ensemble in Rhythm in the Modern Manner, with The Hansonettes, George D’Anna, Warren Hardy and the Buffalo Quartet. Gross: $12,900. (Average, $12,000)
“Boom Town” (M-G-M)
GREAT LAKES—(3,000) (44c-65c) 7 days, 3rd week. Gross: $9,300. (Average at 35c-55c, $7,500)
“Rhythm on the River” (Para.)
“Mystery Sea Raider” (Para.)
HIPPODROME—(2,100) (30c-40c) 7 days. Gross: $6,900. (Average, $6,800)
“Dance, Girl, Dance” (RKO)
“Men Against the Sky” (RKO)
TWENTIETH CENTURY—(3,000) (30c-40c) 7 days. Personal appearances of RKO stars on stage. Gross: $8,400. (Average, $7,500)
“Argentine Nights” (Univ.)
“Pirates of the Skies” (Univ.)
LAFAYETTE—(3,000) (30c-40c) 7 days. Gross: $6,400. (Average, $6,300)

‘Town’ Omaha High With $7,100 Gross

OMAHA, Sept. 24.—“Boom Town,” in the second week, was comparatively the best with $7,100 at the Omaha in a week of only fair business. The weather was hot.

Estimated takings for the week ending Sept. 18-19:

“Dance, Girl, Dance” (RKO)
“The Man Who Talked Too Much” (W. B.)
BRANDEIS—(1,200) (30c-40c-44c) 7 days. Gross: $4,100. (Average, $4,000)
“Boom Town” (M-G-M)
OMAHA—(2,000) (40c-55c) 7 days, 2nd week. Gross: $7,100. (Average, $6,000)
“When the Daltons Rode” (Univ.)
“Sailors Lady” (20th-Fox)
ORPHEUM — (3,000) (30c-44c) 7 days. Gross: $7,200. (Average, $7,200)

Bread and Pictures

Mansfield, O., Sept. 24.—Through a tieup with the H & M Bakery Co. here, the Park, subsequent run double feature house, is accepting five bread wrappers and one paid ticket for two admissions to any Thursday showing. Patrons may have the wrappers redeemed for a ticket at designated grocery stores, if desired.

‘Town’ Captures $14,500, St. Louis

ST. LOUIS, Sept. 24.—“Boom Town” closed a three-week run at Loew’s State with $14,500. The single run reserved seat policy at the Ambassador brought $6,000 for the second week of “Brigham Young.”

Estimated takings for week ending Sept. 19:

“Boom Town” (M-G-M)
LOEW’S STATE—(3,162) (35c-44c-59c-65c) 7 days. 3rd week. Gross: $14,500. (Average, 28c-39c-44c-56c scale—$13,000)
“Brigham Young” (20th-Fox)
AMBASSADOR — (3,018) (35c-50c-75c) 7 days. 2nd week. Gross: $6,000. (Average, 28c-39c-44c-56c scale, $11,500)
“He Stayed for Breakfast” (Col.)
“Blondie Has Servant Trouble” (Col.)
FOX — (5,038) (28c-39c-44c-50c) 7 days. Gross: $12,000. (Average, $11,000)
“Lucky Partners” (RKO)
“Argentine Nights” (RKO)
MISSOURI — (3,514) (28c-39c-44c-56c) 7 days. Gross: $5,000. (Average, $4,000)
“Comin’ Around the Mountain” (Para.)
“The Leather Pushers” (Univ.)
ST. LOUIS —(4,000) (25c-35c) 7 days. Gross: $2,100. (Average, $2,600)

‘Love You’ $9,200 Indianapolis High

INDIANAPOLIS, Sept. 24.—“The Sea Hawk” with $7,600 at the Indiana and “I Love You Again” with $9,200 at Loew’s were the best grossers. The Apollo with “Pastor Hall” took $6,000 gross in 10 days. The weather was warm and dry.

Estimated takings for week ending Sept. 20-21:

“Pastor Hall” (U.A.)
APOLLO — (1,100) (20c-25c-30c-40c) 10 days. Gross: $6,000. (7-day average $3,000)
“Dance, Girl, Dance” (RKO)
“Flowing Gold” (W.B.)
CIRCLE — (2,800) (28c-33c-44c) 7 days. One-day personal appearance of Lucille Ball and Maureen O’Hara. Gross: $4,400. (Average, $6,000)
“The Sea Hawk” (W.B.)
“One Crowded Night” (RKO)
INDIANA — (3,200) (28c-33c-44c) 7 days. Gross: $7,600. (Average, $5,500)
“I Love You Again” (M-G-M)
“Out West with the Peppers” (Col.)
LOEW’S — (2,800) (28c-33c-44c) 7 days. Gross: $9,200. (Average, $7,000)
“Sing, Dance, Plenty Hot” (Rep.)
LYRIC — (2,000) (28c-33c-44c) 7 days. Stage: Blue Barron and his Orchestra. Gross: $7,800. (Average, $8,000)

20th-Fox Is Sued For Back Salary

Suit for $6,000 alleged back salary was filed yesterday in the N. Y. Supreme Court against 20th Century-Fox by Marian Palmer as assignee of Moe Messeri.

Messeri, former general manager of the defendant in Spain and Portugal, claims that his employment contract provided for payment to him of one-third his salary in Spain and for the deposit of the remaining two-thirds in a New York bank. According to the complaint, the defendant has failed to make the two-thirds deposit since September, 1939.

‘Boom Town’ Draws $23,800, Milwaukee

MILWAUKEE, Sept. 24. — “Boom Town” and “Golden Fleecing,” playing Fox’s Wisconsin and Palace simultaneously at raised prices, was the week’s best grosser with $14,000 at the former house and $9,800 at the latter, for a total of $23,800.

Estimated takings for the week ending Sept. 17-19:

“Boom Town” (M-G-M)
“The Golden Fleecing” (M-G-M)
PALACE—(2,400) (44c-65c) 7 days. Gross: $9,800. (Average, $4,000)
“I Love You Again” (M-G-M)
“Rhythm on the River” (Para.)
STRAND—(1,400) (30c-40c-55c) 7 days. Gross: $1,800. (Average, $1,500)
“Boom Town” (M-G-M)
“The Golden Fleecing” (M-G-M)
WISCONSIN—(3,200) (44c-65c) 7 days. Gross: $14,000. (Average, $5,500)
“Foreign Correspondent” (U. A.)
“Argentine Nights” (Univ.)
WARNER—(2,400) (30c-40c-55c) 7 days. Gross: $5,000. (Average, $4,500)
“Earl of Puddlestone” (Rep.)
RIVERSIDE—(2,700) (28c-44c) 7 days. Stage: Vaudeville. Gross: $7,000. (Average, $6,500)

‘Comedy’ at $12,000 Leads in Cincinnati

CINCINNATI, Sept. 24.—“No Time For Comedy” drew a strong $12,000 at the RKO Grand, where it went into a second week. “Wyoming” took $9,800 at the RKO Palace.

Estimated takings for the week ending Sept. 17-21:

“Dr. Kildare Goes Home” (M-G-M)
RKO ALBEE—(3,300) (33c-40c-50c) 7 days. Gross: $9,600. (Average, $12,000)
“Wyoming” (M-G-M)
RKO PALACE—(2,700) (33c-40c-50c) 7 days. Gross: $9,800. (Average, $10,000)
“The Sea Hawk” (W. B.)
RKO SHUBERT—(2,150) (33c-40c-50c) 7 days, 3rd week. Gross: $3,400. (Average, $5,000)
“Hired Wife” (Univ.)
RKO CAPITOL—(2,000) (33c-40c-50c) 7 days, 2nd week. Gross: $4,200. (Average, $5,500)
“No Time For Comedy” (W. B.)
RKO GRAND—(1,450) (33c-40c-50c) 7 days. Gross: $12,000.
“I Love You Again” (M-G-M)
RKO LYRIC—(1,400) (28c-33c-42c) 7 days, 4th week. Gross: $3,900. (Average, $4,500)
“Ladies Must Live” (W. B.)
“Three Faces West” (Rep.)
RKO FAMILY—(1,000) (15c-28c) 4 days. Gross: $1,100. (Average, $1,200)
“Pier 13” (20th-Fox)
“Grand Ole Opry” (Rep.)
RKO FAMILY—(1,000) (15c-28c) 3 days. Gross: $800. (Average, $800)
“The Lady in Question” (Col.)
KEITH’S—(1,500) (33c-40c-50c) 5 days. Gross: $2,300. (Average, 7 days, $5,000)

K. C. Gives $10,400 To ‘Correspondent’

KANSAS CITY, Sept. 24.—“Foreign Correspondent” and “Girls of the Road” took $10,400, at the Midland. Little Jack Little and orchestra, plus “You’re Not So Tough,” drew $8,000 at the Tower. “The Sea Hawk” took $8,000 at the Newman.

Estimated takings for the week ending Sept. 17-20:

“Brigham Young, Frontiersman” (20th-Fox)
ESQUIRE — (800) (28c-35c-44c) 10 days. Gross: $3,400. (Average, 10 days, $3,000)
“Foreign Correspondent” (U.A.)
“Girls of the Road” (Col.)
MIDLAND — (4,000) (28c-44c) 7 days. Gross: $10,400. (Average, $9,500)
“The Sea Hawk” (W.B.)
NEWMAN — (1,900) (28c-44c) 7 days. Gross: $8,000. (Average, $7,000)
“All This, and Heaven Too” (W.B.)
ORPHEUM — (1,500) (28c-44c) 7 days. Gross: $4,700. (Average, $5,000)
“You’re Not So Tough” (Univ.)
TOWER—(2,200) (30c) 7 days. Stage: Little Jack Little & Orchestra, featuring Kathleen Quinn. Gross: $8,000. (Average, $6,000)
“Brigham Young, Frontiersman” (20th-Fox)
UPTOWN — (2,000) (28c-44c) 10 days. Gross: $3,900. (Average, 10 days, $4,000)

Jessel Show, ‘Romance’ in Loop $22,000

CHICAGO, Sept. 24.—George Jessel, heading Hollywood stars at the Oriental with “Cross Country Romance” on the screen, drew $22,000. “Hired Wife” at the Palace drew $19,000.

Estimated takings for the week ending Sept. 20:

“Dr. Kildare Goes Home” (M-G-M)
APOLLO—(1,400) (35c-55c-75c) 7 days. Gross: $4,500. (Average, $6,500)
“I Want a Divorce” (Para.)
CHICAGO—(4,000) (35c-55c-75c) 7 days. Stage: Guy Lombardo and Band. Gross: $26,000. (Average, $32,000)
“He Stayed for Breakfast” (Col.)
GARRICK—(1,000) (35c-55c-75c) 7 days. Gross: $4,000. (Average, $5,000)
“Cross Country Romance” (RKO)
ORIENTAL — (3,200) (25c-40c) 7 days. Stage: George Jessel, Jean Parker, Steffi Duna, Isabel Jewel, Lya Lys. Gross: $22,000. (Average, $13,000)
“Hired Wife” (Univ.)
“Mummy’s Hand” (Univ.)
PALACE—(2,500) (35c-40c-60c) 7 days, 2nd week. Gross: $19,000. (Average, $13,000)
“Rangers of Fortune” (Para.)
ROOSEVELT—(1,500) (35c-55c-75c) 7 days. Gross: $12,000. (Average, $11,000)
“Golden Gloves” (Rep.)
STATE LAKE—(2,700) (25c-40c) 7 days. Stage: Three Stooges. Gross: $14,000. (Average, $15,000)
“Boom Town” (M-G-M)
UNITED ARTISTS—(1,700) (50c-65c-75c-85c) 7 days, 3rd week. Gross: $15,000. (Average, $14,000)
“Gone With the Wind” (M-G-M)
WOODS—(1,100) (75c-$1.10-$1.50) 7 days, 34th week. Gross: $7,500.

‘Town’ New Haven Gross Is $3,000

NEW HAVEN, Sept. 24.—Third week of “Boom Town,” dualed with “The Lady in Question” at the College, took $3,000. “Lucky Partners” and on a double bill took $5,000 at the Roger Sherman. The weather continued fair and warm.

Estimated takings for the week ending Sept. 18:

“Boom Town” (M-G-M)
‘The Lady in Question” (Col.)
COLLEGE—(1,499) (50c-65c) 7 days, 3rd week. Gross: $3,000. (Average, $2,700)
“Wyoming” (M-G-M)
“Dr. Kildare Goes Home” (M-G-M)
LOEW-POLI—(3,040) (39c-50c) 7 days. Gross: $7,500. (Average, $8,000)
“I Want a Divorce” (Para.)
“The Girl from Avenue A” (20th-Fox)
PARAMOUNT—(2,348) (39c-50c) 7 days. Gross: $3,200. (Average, $4,000)
“Lucky Partners” (RKO)
“River’s End” (W. B.)
ROGER SHERMAN—(2,200) 39c-50c) 7 days. Gross: $5,000. (Average, $5,000)

‘Brigham Young,’ at $10,000 in Baltimore

BALTIMORE, Sept. 24. — “Brigham Young—Frontiersman” drew a strong $10,000 at the New. “Ramparts We Watch,” and a stage show at the Hippodrome, took $15,500.

Estimated takings for the week ending Sept. 19:

“Boom Town” (M-G-M)
CENTURY—(3,000) (29c-39c-60c) 7 days, 3rd week. Gross: $8,500. (Average, $10,000)
“Hired Wife” (Univ.)
KEITH’S—(2,406) (15c-28c-33c-44c) 7 days, 2nd week. Gross: $9,000. (Average, $8,000)
“Ramparts We Watch” (RKO)
HIPPODROME — (2,205) (15c-28c-39c-44c-55c-66c) 7 days with stage show, Tommy Riggs and “Betty Lou” headlining. Gross: $15,500. (Average, $14,000)
“Brigham Young” (20th-Fox)
NEW—(1,581) (15c-28c-35c-55c) 7 days. Gross: $10,000. (Average, $7,000)
“The Sea Hawk” (W. B.)
STANLEY—(3,280) (29c-39c-60c) 7 days, 3rd week. Gross: $7,000. (Average, $12,000)

Out This Week!

MARTIN QUIGLEY

25th

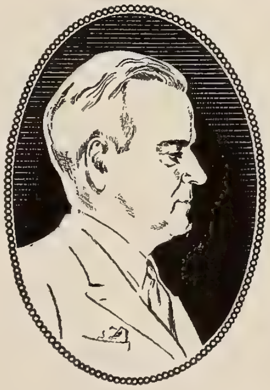
ANNIVERSARY EDITION

of

MOTION PICTURE

HERALD

ISSUE OF SEPTEMBER 28TH



Martin Quigley's twenty-five years of service to the motion picture industry will be celebrated in the next issue of Motion Picture Herald—an issue that will be a record for the industry in many years to come.

Defense Unit Ordered for Broadcasting

(*Continued from page* 1)

cooperation of the radio industry in developing the setup.

"The board is basically a planning agency, without operating or procurement functions," it was stated. "As such it is charged with the important duty of charting the utilization, and control of our communication systems in the best interests of the national security.

"The board will have no power to censor radio or other communications, or to take over any facilities."

Broadcasting and other forms of communication will come under the board which, however, it was said, "does not propose to interfere with the normal operation of broadcasting or other forms of communication any more than is necessary for the national protection. Through correlated planning, it will seek to gear the great and strategically valuable American communications system, in both the domestic and international fields, to meet any situation the national interest may require."

It was explained that, with industry cooperation, the board will appoint committees from every branch of communications, including broadcasting, as well as from labor groups and that "all plans involving the utilization from private facilities, or requiring industry cooperation will be adopted only after consultation with such industry representatives, and the particular private companies whose properties may be involved."

The order provides specifically that "the board shall study the physical aspects of domestic standard broadcasting and shall recommend such precautions, supplementary facilities and reallocations as it shall deem desirable under foreseeable military conditions. It shall also make plans for the speedy and efficacious use of all necessary facilities in time of military emergency."

All reports and recommendations are to be submitted to the President for final action.

NLRB Orders Vote At 4 Radio Stations

Washington, Sept. 24.—Secret ballots to elect collective bargaining agencies for transmitter operators at four broadcasting stations in Pennsylvania and Delaware were ordered today by the National Labor Relations Board.

Under the order employes at Stations WGAL, Lancaster, and WORK, York, Pa., and WILM and WDEL, Wilmington, Del., will vote on whether they desire to be represented by the Associated Broadcast Technicians unit of the International Brotherhood of Electrical Workers (A.F.L.).

Coombe on Crosley Board

Cincinnati, Sept. 24.—H. E. Coombe has been elected to the board of directors of the Crosley Corp., filling the vacancy created by the resignation of Powel Crosley, III, as vice-president and director.

Off the Antenna

NETWORK heads met with Charles Michelson, publicity director of the Democratic National Committee, yesterday to discuss the problem of political and non-political speeches but neither side would reveal the nature of the discussion. It is understood, however, that an agreement satisfactory all around has been reached and that it will be reduced to an informal writing within the next few days.

• • •

Purely Personal: *George McCoy has returned to the WHOM microphone with a new series of sidewalk interviews from* 11:35 *P.M. to midnight. He will work from a location at* 44*th St. and Broadway. . . . Helen Hayes will be guest of honor at a buffet supper at the Waldorf-Astoria following the first broadcast of "Helen Hayes Theatre" over CBS Sunday night. . . . Ida Bailey, WMCA home economist, will do a series of articles for the* Christian Science Monitor. . . . *Dick Bard, WNEW publicity director, is in Dallas arranging a promotion stunt for Elton Britt. . . . Estelle Brennan and Lila Palm have joined the staff of WNEW, while Maria Little has resigned to go to Compton agency. . . . Irving Parker, head of Radio Feature Service, Hollywood, is in town for conferences on Fall shows.*

• • •

WHOM is toying with the idea of going to 50,000 watts as the result of the new frequency assignments effective March 29. WHOM now operates on 1,450 k.c. and has recently increased its power to 1,000 watts days, 500 watts nights, but the new assignment will be at 1,560 k.c. with a designation of Class 2, or secondary clear channel station. Under the Havana treaty such stations may go to 50,000 watts, depending on geographical locations and interference with Class 1 stations.

• • •

A unique sponsor in the form of a foreign government will take to the air this Sunday when Brazil sponsors "Washington Merry-Go-Round" with Drew Pearson and Robert S. Allen over eight NBC-Blue stations. It will be heard Sundays at 7 P.M. It is expected that the program will "present public information and facts regarding Brazil and her problems which will be of sincere interest to the American people," and will emphasize the democratic form of government in Brazil, an announcement said. Canada also has a program here, "Canadian Holiday," which is designed to promote travel in that country, but it is not sponsored. The program is an exchange broadcast with CBC.

• • •

Program News: *General Mills has renewed "By Kathleen Norris" over* 41 *CBS stations and will switch the time to* 10 *A.M. Monday through Friday Sept.* 30. . . . *General Foods has renewed Kate Smith's noon period and "Joyce Jordan," both over CBS. . . . Mutual renewals include Richfield Oil "Confidentially Yours," and Wheeling Steel "Musical Steelmakers." . . . Ohio has adopted the CBS "School of the Air" for official classroom use, making it* 12 *states in all. . . . Mrs. Franklin D. Roosevelt will interview Edna Ferber, Marc Connelly, Thornton Wilder, James Thurber, Katharine Hepburn, Dr Frank Kingdon, Sidney Kingsley, Rodgers & Hart, Robert Sherwood, Alice Duer Miller, William Saroyan and Arthur Schwartz over NBC-Blue Friday at* 9:30 *P.M. in connection with the Democratic Women's Day program.*

• • •

NBC-Red has revised its sales policy for daytime script shows, requiring sponsors buying the network to use at least 50 stations. The rule has been in effect for some time but did not change the status of existing shows. However, all new shows and programs whose renewals occur after Oct. 1 must meet the new requirement. Two renewals yesterday met the new minimum. Charles H. Phillips Chemical Co. renewed "Stella Dallas" over 51 instead of 48 stations and R. L. Watkins Co. added 18 stations for "Backstage Wife," bringing the total to 56. About 25 programs will be affected.

Canadian Summer Time Extended

Toronto, Sept. 24.—The Dominion Government, as a war measure, has ordered that Daylight Saving Time will be extended indefinitely beyond Sept. 29 throughout Ontario and Quebec in all industrial centers where it has been in effect, the move being taken at the direction of the Controller of Electricity to obtain the maximum use of daylight in war industries. Previously, Daylight Saving was exclusively a matter for municipal choice but authority in this case has been assumed under the wide powers of the Federal Government in war time.

The decision already has caused considerable confusion in several quarters. The Canadian Broadcasting Corp. had just completed its entire revision of program schedules for the week beginning Sept. 29 and the lists had been printed and distributed to daily newspapers for advance publication. These programs had been shifted to Eastern Standard Time and the timetable had been rearranged to quite a degree to dovetail with programs originating in the United States and England. All this work has now been tossed out and almost frantic efforts are being made to draw up new schedules and to advise sponsors and artists of the sudden change.

Land Arrives on Coast

Hollywood, Sept. 24. — David L. Land, Monogram contract department head, arrived here today from New York to establish his department here in line with the company's moving most of its departments to the Coast.

G. T. E. Votes Dividend

Directors of General Theatres Equipment Corp. yesterday declared a dividend of 20 cents a share on the capital stock, payable Oct. 15 to stockholders of record Oct. 7.

Avocation

St. John, N. B., Sept. 24.

HIS work doesn't call for it, but Frank Peters, operator at the suburban Gaiety, neighborhood house, is a mobile advertiser for the theatre and its programs. He uses the sides and back of an old topless car as the medium. With a talent for painting, he caricatures screen players and picture titles, and usually, with something that represents himself also shown. The names of all depicted, including himself, are given.

Philadelphia Station Sued Over Records

Philadelphia, Sept. 24.—The National Association of Performing Artists has filed suit in Common Pleas Court here seeking an injunction to restrain KYW from broadcasting phonograph records. Use of the records was made on both sustaining and commercial programs, the bill states.

The suit contends that the station has broadcast records made by members of N.A.P.A. despite the fact that the records were made for use only on phonographs in homes and that the association had forbidden their use for commercial purposes. The suit was filed by Maurice J. Speiser, N.A.P.A. counsel.

Major Nets 'Boycott' S. F. Music Festival

San Francisco, Sept. 24.—Major networks today refused to broadcast the music festival sponsored by Ascap at the World's Fair here this afternoon and evening. The festival, arranged by Gene Buck, Ascap president, featured many leading composers and musicians and the San Francisco Symphony orchestra. A committee of Fair officials and composers is understood planning a trip to Washington to file a formal complaint with the FCC, charging that the networks' "boycott" was contrary to the regulation concerning broadcasts in the public interest.

Loses Suit Against Winchell and NBC

A libel suit for $1,000,000 damages brought by Joseph Curran as president of the National Maritime Union against RCA, NBC, Walter Winchell, *Daily Mirror* and the Andrew Jergens Co., was dismissed yesterday by N. Y. Supreme Court Justice Peter Schmuck with leave to amend.

Curran claims that Winchell libeled the union in a WJZ broadcast on June 9, 1940, and in his column the following day by accusing the union of subversive activities.

Invite Roosevelt to Dedication of WLWO

Washington, Sept. 24.—President Roosevelt disclosed today that he has been invited to speak at the dedication of WLWO's new transmitter in Cincinnati Oct. 12, but expressed doubt whether he would be able to attend because of the necessity of staying close to Washington during the emergency.

DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 62 NEW YORK, U. S. A., THURSDAY, SEPTEMBER 26, 1940 TEN CENTS

British Trade Adjusts Itself To Blitzkrieg

Functions Without Any Sign of Panic

By AUBREY FLANAGAN

LONDON, Sept. 25.—The film industry in England is gradually but unfalteringly adjusting itself to the abnormal conditions occasioned by the almost constant air raids of Nazi planes over London.

A complete absence of panic marks the industry in its current functioning. Although evening theatre business in the vulnerable areas is down to 10 per cent of normal receipts, certain other areas are showing gains from earlier losses.

The curfew principle is being extended here and there, voluntarily in some situations and under compulsion in others. Theatres in Portsmouth are closing at 9 P.M., in the South and Southeast Coastal areas at 10 P.M., and in other districts at various evening hours.

Among British productions currently in work for American companies are most notably, "An Empire Is Built"

(*Continued on page 3*)

Allied Convention Discusses Decree

ATLANTIC CITY, Sept. 25.—The proposed consent decree, particularly the five-picture clause, highlighted Lee W. Newbury's presidential address opening the 21st annual three-day convention of Allied Theatre Owners of New Jersey at the Hotel President here today.

There was a general discussion on this subject, as well as coin film machines, 16mm. film competition and

(*Continued on page 3*)

Marguerite Clark, Silent Star, Dead

Marguerite Clark, 53, silent screen star, died of pneumonia yesterday at the Le Roy Sanitorium, Manhattan. She had been living here with a sister, Cora Clark, the latter being the only survivor.

Miss Clark was noted as a star of both stage and screen. Her film career extended from 1915 to 1921, during which time she starred in numerous films, such as "Wild Flower," "Goose

(*Continued on page 3*)

'Dictator' to Play Astor and Capitol

For the first time in the history of Loew's, its two principal Broadway theatres will be tenanted simultaneously by a picture of a company other than M-G-M when the United Artists film, "The Great Dictator," starring Charlie Chaplin, with Paulette Goddard and Jack Oakie, will be given its world premiere the evening of Oct. 15 at both the Astor and the Capitol theatres. This new Chaplin film, the subject of the greatest industry comment since "Gone With the Wind," will, thereafter, be given simultaneous runs at both these houses, two-a-day at $2.20 top at the Astor and and 75 cents to $1.10 on a continuous run policy at the Capitol.

Consent Decree to Be Complete Friday

The proposed Federal consent decree will be in complete legal form by tomorrow evening, Government spokesmen here said yesterday. The supplemental arbitration proposals will be in final form on the same day.

Copies of both will be sent to Washington at once for checking and confirmation by the Department of Justice as well as for comparative study by Attorney General Robert Jackson. Copies will also go to the five consenting companies for their checking with previous drafts and final approval.

The principles of the consent decree have undergone no change in the process of placing the draft in legal language, which has been under way for the past four weeks. Any changes in the formal draft prior to its confirma-

(*Continued on page 3*)

'DICTATOR' TERMS 70—30%; EXPECT 10 MILLION GROSS

Higher Admissions to Be Asked of Theatres; Chaplin Offered $4,000,000 for Film as Investment; Picture Cost $2,200,000

United Artists' sales policy on Charlie Chaplin's "The Great Dictator," officials assert, will be comparable to that which M-G-M used in distributing "Gone With the Wind." As the company prepares to launch the film on the most ambitious sales plan which U. A., under Maurice Silverstone, has so far devised, it is learned that the selling terms will be 70-30 per cent to the exhibitor. These terms are said to have been closed with Loew's for the Astor and Capitol runs on Broadway, including a guarantee of a 10 per cent profit.

Charlie Chaplin

The picture has captured the country's interest to such an extent that certain New York financial interests have stated they are ready to buy it for $4,000,000, for investment purposes.

United Artists is aiming for a $10,000,000 domestic gross on the picture. This is $2,000,000 higher than the world-wide figure which Chaplin reportedly reached for in 1930 on "City Lights," and about that which United Artists officials assert Chaplin's famous "Gold Rush" attained, worldwide.

Whether U. A. is including some assurance of profit generally to the exhibitor on the selling terms has not been revealed, although some observers believe that when U. A. finally reveals its plan, it will contain some such assurance.

Higher admission scales will be sought, it is stated, in order to pave the way for the company's goal of $10,000,000, and exhibitors may be asked to raise their scales anywhere from 33 1/3 per cent to 100 per cent, calling for a minimum admission

(*Continued on page 3*)

M-G-M Films To Music Hall

A closer alliance is being fashioned by W. G. Van Schmus, director general of the Radio City Music Hall, and M-G-M sales officials, whereby the Rockefeller Center theatre will be able to play more Metro pictures in the coming season.

Impetus to such an alliance was first given by the profitable results which the theatre achieved with Metro product during the past season when six Metro pictures were responsible for approximately 30 per cent of the theatre's gross. Under Van Schmus, the theatre in 1939-'40 has had the most successful season in its history, and is likely to break all records for the

(*Continued on page 3*)

Majors Begin Surveys to Determine Number of Employes Subject to Draft

Four major companies have begun surveys to determine the number and identity of employes in all branches of their service who are subject to conscription. Questionnaires have been distributed to employes to determine which of those eligible for conscription are most likely to be selected.

Companies conducting the surveys include Warners, RKO, 20th Century-Fox and Loew's. Other companies may undertake similar studies later to determine whether any replacement problem is in prospect should an unexpectedly large number of employes be subject to conscription. In some cases, however, it is stated that no study is contemplated due to the fact that it is readily ascertainable that no great number of strategic positions are filled by those likely to be conscripted.

Reviews

"Spring Parade," "The Secret Seven," "So You Won't Talk."—Page 3.

Personal Mention

WLLIAM F. RODGERS, M-G-M general sales manager, will leave for Atlantic City this afternoon.

•

PHIL REISMAN, RKO foreign manager, leaves tomorrow from Buenos Aires for Rio de Janeiro, to plan a convention there.

•

JOSEPH M. SCHENCK, 20th Century-Fox board chairman, arrived yesterday on the Coast from New York.

•

LOUIS B. MAYER is in town from a short visit to Cincinnati and Lexington, Ky., before returning to the Coast. He is accompanied by HOWARD STRICKLING.

•

AL MARGOLIES, United Artists publicist, will return today from Washington where he handled opening arrangements for "Foreign Correspondent."

•

GENE BUCK, Ascap president, will arrive from San Francisco this weekend.

•

SAM RINZLER, ADOLPH ZUKOR, FRED LANGE and MAX DREYFUS having lunch at Nick's Hunting Room in the Astor yesterday.

•

JOHN ROYAL, JOHN D. HERTZ, JR., HARRY GOETZ, JOSEPH MOSKOWITZ, ARTHUR LOEW, OWEN DAVIS, LEE SHUBERT, and TOM FIZDALE at Sardi's yesterday for lunch.

•

JACK GOETZ, STANLEY FIELDS and MITZI GREEN lunching yesterday at Lindy's (51st St.).

•

HARRY BUCKLEY, HARRY GOLD, WILLIAM MOSES, EUGENE PICKER and SOL EDWARDS at Lindy's (next to the Rivoli) for lunch yesterday.

•

WILLIAM A. SCULLY, LOU POLLOCK, HANK LINET, PAUL BENJAMIN, DWIGHT WIMAN, JAMES CRON, JOSEPH McCONVILLE and MAURICE BERGMAN at the Tavern yesterday for lunch.

•

THOMAS E. ROBERTS, son of WILLIAM A. ROBERTS, manager of the Shawnee, Plymouth, Pa., was married recently to ELEANOR JEAN CHAPIN.

•

THOMAS HOFFMAN of the Comerford Theatres real estate division in Scranton recently married CATHERINE O'BOYLE. They are on a wedding trip to the Midwest.

•

ALLAN KAHN, owner of the Pennington Theatre, Baltimore, is the father of a daughter, CAROL ANN, born this week.

Fay's Raising Prices

PROVIDENCE, Sept. 25.—Fay's Theatre will put a slight advance in admission scales into effect on Friday to bring the house, specializing in first run action films, slightly above the tariffs of the second runs. The new scale will be: to 5 P.M., 33 cents downstairs and 20 cents upstairs; evenings and Saturdays and Sundays, 39 cents and 25 cents upstairs.

Lambertson Demands Actors' Purge

WASHINGTON, Sept. 25.—"Members of the various actors' unions need to get busy on a thorough, drastic housecleaning," Rep. William P. Lambertson of Kansas said today in connection with his charges that Actors Equity is dominated by Communists. Lambertson said he would turn the material and records he has accumulated over to Rep. Martin Dies when the latter's committee on un-American activities undertakes its investigation of theatrical unions.

In remarks inserted in the *Congressional Record,* Lambertson charged that "certain powers" in Equity were determined that the general membership shall not be acquainted with the extent to which the union is under Communist influence.

Momand Will Take Depositions Here

Notice was filed yesterday in the U. S. District Court by A. B. Momand and Loretta L. Momand, plaintiffs in three anti-trust suits against the major companies and Griffith Amusement Co., that oral depositions will be taken in New York City of James P. Cunningham of Quigley Publications and Winfield Andrus of *Film Daily* on Sept. 30, and Harris D. H. Connick on Oct. 1.

It is understood that Momand seeks information regarding the compilation of film trade year books.

The notice also called for the examination of Fred C. Stone in Portland, Me., on Oct. 3. Two of the suits, which charged conspiracy to violate the anti-trust laws and to restrict the sale of pictures, are pending in the U. S. District Court of Massachusetts, and the third in the District Court of Oklahoma.

SWG, Producers Reach Agreement

HOLLYWOOD, Sept. 25.—The Screen Writers Guild and producers have reached an accord on a proposed collective bargaining agreement and a pact is now ready for submission for the approval of the respective memberships.

The S.W.G. has called a special meeting for tomorrow night, when it is expected approval of the proposed contract will be asked by the negotiating committee, headed by Sheridan Gibney, president.

Rodgers Tells ITO Policy Is Flexible

The M-G-M sales policy is flexible, William F. Rodgers, M-G-M general sales manager, told the New York I.T.O.A. at a luncheon meeting at the Hotel Astor yesterday, and pictures will be sold during the 1940-'41 season in accordance with the needs of each situation. The I.T.O.A. at its meetings is discussing the sales policies of each distributor. No date was set for the next meeting.

Murphy Joins 'U' As Aid to Joseph

Gene Murphy, Loew's publicist, has been named assistant to John Joseph, Universal advertising and publicity director, and will leave for the Coast today to assume his new post. Joseph maintains his headquarters at the Universal studio.

Murphy has been handling out of town publicity under Oscar A. Doob, and previously was in charge of Loew's State publicity here. His successor has not been named yet. His post at Universal is a newly created one.

Warner Club Names Fellman President

At the annual meeting of the board of governors of the national Warner Club, employe organization of Warners, the following were elected officers for the coming year:

Nat D. Fellman, president; Martin Bennett, vice-president; Bernard Goodman, vice-president in charge of membership; Harry Mayer, vice-president in charge of welfare; F. L. Gates, vice-president in charge of claims; Robert Salomons, treasurer; Sam Wolowitz, assistant treasurer, and Stuart H. Aarons, secretary.

Bette Davis Honored At Press Reception

About 100 persons attended a cocktail reception to Bette Davis yesterday afternoon at the Gotham Hotel. Present were many representatives of the press and others, including Martin Quigley, Sam Shain, Mitchell Rawson, Tom Wenning, Bob Taplinger, Mort Blumenstock, Sid Rechetnik, Alice Thompson, Red Kann, A-Mike Vogel and Charles Curran. Miss Davis will be among those attending the "Knute Rockne—All American" premiere in South Bend Oct. 4.

Jones Funeral Today

HOLLYWOOD, Sept. 25. — Funeral services for Grover Jones, veteran writer and producer, who died here yesterday, will be held tomorrow at Grace Chapel in Inglewood.

See Duals Near End in Mexico

MEXICO CITY, Sept. 25.—Double bills in Mexico are seen near extinction, owing to the prospects that the war will make Hollywood further curtail its production, and the increasingly critical economic situation in this country. All houses, it is estimated, will have to go single early next year, if not sooner.

There has been no booking as yet by local exhibitors for 1941. They want to see what is going to happen, and whether or not the new president will be able to take office on Dec. 1 without violence.

Another production company is being organized here, Popo Films. Its moving spirits are Lic. Adolfo Fernandez Bustamante, noted lawyer, and Fernando Rivero, a director. The company is to get going in the fall with the production of a film album, "History of Talkies in Mexico," composed of excerpts from all pictures made in Mexico since 1930, when the first talkie was produced down here.

Bernhard on N. J. Council of Defense

Joseph Bernhard, general manager of Warner Theatres, has been appointed a member of the advisory committee of the New Jersey Defense Council by Governor Harry A. Moore.

Disney Gives Short To Community Funds

"The Volunteer Worker," a three-minute short in color, has been produced by Walt Disney and donated for use in the 1940 Community Chest campaigns in this country and Canada.

The subject, which features Donald Duck as a solicitor of community chest donations, will be available to theatres in community chest cities during their local campaigns, most of which are scheduled for October and November. Dr. A. H. Giannini is vice-chairman of the campaigns. Prints may be obtained from local offices of Community Chests and Councils, Inc.

Order Cassil Bill Oct. 6

KANSAS CITY, Sept. 25.—Sustaining defendants' motion for a bill of particulars, Federal Judge Merrill E. Otis has asked for such a bill from Eugenia and Frank Cassil, Rialto, St. Joseph, Mo., by Oct. 6. The Cassils have sued Dubinsky Brothers and major distributors for $450,000 damages in an anti-trust action. Judge Otis asked the Cassils to be more specific with respect to the alleged "agreement" among defendants to eliminate the Cassils.

Cartoon Pact Reached

HOLLYWOOD, Sept. 25.—A tentative agreement has been reached by the Screen Cartoonists' Guild and M-G-M, over a bargaining contract for the workers in the studio cartoon plant. Pat Casey, producers' labor contact, said today that meetings have been set for next week to reduce the agreement to writing.

Heads Guild Council

HOLLYWOOD, Sept. 25.—Florence Wix has been elected chairman of the Screen Actors Guild Council, governing extra players, succeeding Robert Davis, who recently resigned because of reported intramural friction.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

Allied Convention Discusses Decree

(Continued from page 1)

poster rentals. Other problems posed by Newbury were triple and dual features, "juggling" of admission prices, Federal defense taxes, radio's "Pot o' Gold" program and sales policies.

Newbury appointed a resolutions committee including Harry H. Lowenstein, Maury Miller, Morris Spewack and Jacob Unger, and a nominating committee comprising George Gold, Dave Snaper, Irving Dollinger, Harry Hect, Helen Hildinger, Ralph Wilkins and Sidney Samuelson.

Features of tomorrow's afternoon session will be an address by Col. H. A. Cole, national Allied president, and the first report of the Allied Information Department on its film buying survey. High spot on Friday will be an address by Abram F. Myers, Allied general counsel, and a testimonial banquet to Myers in the evening.

Consent Decree to Be Complete Friday

(Continued from page 1)

tion are expected to be of a minor nature.

Completion of the draft on Friday would give Washington and the consenting companies one week in which to check the document, and agree upon and revise any disputed phraseology, before the draft is presented to Federal Judge Henry W. Goddard for approval on Oct. 7. Also, it leaves only one week for exhibitors to perfect their plans for opposing the adoption of the decree in its present form or to take legal steps to intervene in the proceedings if it appears certain that the decree will go to Judge Goddard without change.

Ed Kuykendall, M.P.T.O.A. president, is scheduled to confer with Government officials in Washington next week.

Industry in Britain Is Adjusting Itself

(Continued from page 1)

for Warners at Teddington; "Quiet Wedding," Soskin production for Paramount, and "Kipps" for 20th Century-Fox. All are continuing despite the bombing raids. The RKO film, "The Saint's Vacation," is due to start in work immediately.

United Artists has evacuated its distribution headquarters on Wardour Street (London's Film Row). Despite the bombings, most of the organizations on Wardour Street are still operating, although glass windows in office buildings are exceptional. Universal's adoption of a "spotter" system is permitting work to be carried on with a maximum of efficiency, considering conditions.

Exhibitor Meet Monday

KANSAS CITY, Sept. 25.—The meeting of directors of the Kansas-Missouri Theatres Association has been postponed to next Monday by Frank Cassil, president, who operates the Rialto in St. Joseph, Mo. Directors are expected to set a convention date, and discuss the consent decree and price increases on certain films.

Feature Reviews

"Spring Parade"

(Universal)

DEANNA DURBIN'S latest starring vehicle under the capable guidance of Henry Koster, director, and Joe Pasternak, producer, emerges as another delightful hit for the youthful and lovely young player. This is entertainment for the whole family, anywhere, any time.

The story, one of young romance in the always pleasant setting of the waltzing Vienna of the end of the 19th Century, is filled with deft touches of enjoyable humor, the expert performances of a highly capable cast, and the wholly delightful singing of Miss Durbin.

The music and lyrics by Robert Stolz and Gus Kahn are most certainly a vital part of the entertainment with which the film is laden from beginning to end. Bruce Manning and Felix Jackson, who prepared the screenplay from an original story by Ernst Marischka, put the emphasis on the good humor of the story, kept the continuity smooth and lively, and never permitted the dramatic elements to gain the upper hand, while Koster saw to it that Miss Durbin remained in the forefront of the picture at all times.

In admirable support are Mischa Auer, Robert Cummings, Henry Stephenson (who plays the Emperor); Butch and Buddy; S. Z. Sakall and Anne Gwynne in particular. Miss Durbin, peasant girl at a country fair, has her fortune told, learns she will go to Vienna, fall in love with an artist and be aided by a great person. Falling asleep on the haywagon of Sakall, the baker, she goes to Vienna, meets Cummings, army bandsman and budding waltz composer, and they fall in love. To aid him, since army regulations forbid him writing music for sale, she rolls a note and one of Cummings' compositions into the saltsticks for the Emperor. Sakall is arrested for attempting to poison the Emperor, and Miss Durbin succeeds in gaining an audience to save him. Stephenson fulfills Sakall's long-standing ambition, to be named purveyor to the court, and arranges that Miss Durbin shall sing Cummings' waltz at a palace ball. Throughout, no opportunity is lost to have Miss Durbin sing, which she does most effectively.

Running time, 89 minutes. "G."* CHARLES S. AARONSON

"The Secret Seven"

(Columbia)

Modern methods in police work and crime detection form the interesting back ground for "The Secret Seven." Principally an exposition of those methods, the film has only a tenuous story of a civic reform group which undertakes to eliminate crime from a racket-ridden community.

Bruce Bennett emerges from a five-year prison term completely reformed. When an automobile driven by one of Barton MacLane's henchmen runs down his mother and kills her, Bennett decides to crusade for reform. With the aid of Florence Rice, the police chief's daughter, and a group of six scientists, each a specialist in his own field, Bennett organizes the work. It is unsuccessful, however, until Miss Rice is kidnapped by MacLane. At that point, Bennett induces her father, Joseph Crehan, to use up-to-date police methods and the result is that Miss Rice is freed and the gang captured. There is a good deal of microscopic photography as the "Secret Seven" develop their clues and detective story fans should find this intriguing fare.

James Moore directed and Robert Tasker wrote the screenplay from an original by himself and Dean Jennings.

Running time, 62 minutes. "G."* EDWARD GREIF

"So You Won't Talk"

(Columbia)

HOLLYWOOD, Sept. 25.—Joe E. Brown's latest vehicle, "So You Won't Talk?," is one of his funniest since the widely remembered "Elmer the Great." The plot is one of mistaken identities, in which a timid book reviewer and a gangster just released from Alcatraz resemble each other.

The action and the comedy are created by the resemblance and the confusion resultant therefrom makes for considerable hilarity. The story ends with the book reviewer capturing the gang and marrying the girl. Brown is supported by Frances Robinson, Vivienne Osborne, Bernard Nedell, Tom Dugan, Dick Wessel, and Anthony Warde.

Produced by Robert Sparks, who handles Columbia's "Blondie" series, and directed by Edward Sedgwick, veteran of the comedy field, the picture elicited great approval at the preview in Hollywood. Richard Flournoy, another comedy veteran, wrote the original screenplay.

Running time, 67 minutes. "G."* VANCE KING

"G" denotes general classification.

'Dictator' Sale Terms 70-30% Higher Scales

(Continued from page 1)

price of 75 cents for evening performance and up to $1.10 top.

The U. A. sales and exhibition policy was decided upon after Coast conferences between Charlie Chaplin, star and producer of the film, with U. A. executives, including Maurice Silverstone, company chieftain, Harry L. Gold and L. J. Schlaifer, Eastern and Western sales managers, respectively, and Arthur W. Kelly, foreign sales head.

It was decided at that time to follow closely the pattern designed by M-G-M for "Gone With the Wind." The latter film, with only part of the domestic market touched, already has attained a gross of nearly $14,000,000.

United Artists is understood to have closed at least one domestic deal and one foreign deal on the 70-30 terms.

"The Great Dictator" cost $2,200,000. Besides Chaplin, its cast includes Paulette Goddard, Jack Oakie, Reginald Gardiner, Billy Gilbert and the late Maurice Moscovitch.

More M-G-M Films To the Music Hall

(Continued from page 1)

calendar year which ends Dec. 31, at the present pace, observers state.

Greater impetus for a closer association with Metro was rendered, however. by the fact that M-G-M has made a deal whereby its two principle theatres on Broadway, the Astor and the Capitol will be given over to "The Great Dictator" for several weeks, beginning with Oct. 15. This will make several Metro pictures available for the Music Hall which, otherwise. might have been played on Broadway in the Loew houses.

The pictures are "Escape," "Bittersweet," and "Philadelphia Story." It is understood that a deal is now under way between the parties for these pictures.

Marguerite Clark, Silent Star, Dead

(Continued from page 1)

Girl" and "George Washington, Jr." Her most prominent plays were "Baby Mine" and "Snow White." The latter is said to have inspired Walt Disney to produce the feature length cartoon of that title.

Miss Clark retired in 1922 and thereafter lived with her husband, Harry Palmerston Williams, in New Orleans until his death in 1936. She was born in Cincinnati in 1887.

Eulogy by Zukor

Adolph Zukor, chairman of the board of Paramount Pictures, yesterday issued the following statement: "With the sudden passing of Marguerite Clark the film world has lost not only one of its most brilliant stars of the pioneer days but also one of its sweetest and most charming individuals. Everyone who knew her loved her in the days when she was one of the really big stars."

Foreword

The life of Knute Rockne is its own dedication to the youth of America, and to the finest ideals of courage, character and sportsmanship for all the world. Knute Rockne was a great and vital force in moulding the spirit of modern America through the millions of young men and boys who loved and respected him, and who today are living by the high standards that he taught.

This picture has been made with the permission and valuable assistance of his widow, Bonnie Skiles Rockne.

Appreciation is expressed to the University of Notre Dame for its gratuitous co-operation.

So Stirringly Produced by Warner Bros.
ITS FAME WILL MATCH
THAT OF THE NAME IT PROUDLY BEARS

KNUTE ROCKNE
ALL AMERICAN

INAUGURATING NATIONAL KNUTE ROCKNE WEEK
WITH 4-THEATRE PREMIERE AT SOUTH BEND, OCT.4
(Sold out 1st day of ticket sale at $1.65 top)

with

PAT O'BRIEN

GALE PAGE · RONALD REAGAN · DONALD CRISP

Directed by LLOYD BACON

Original Screen Play by Robert Buckner • Based upon the private papers of Mrs. Rockne
and the reports of Rockne's intimate associates and friends.
A Warner Bros.-First National Picture

End Squabble Of Two Parties On Radio Time

The vicious circle of alternating demands for free time by Democratic and Republican campaign committees has been terminated to the satisfaction of all concerned.

An understanding reached between network heads and Democratic officials on Tuesday provides that the Democrats will waive their claim for free time to answer Wendell Willkie's Coffeyville speech and will let the whole matter rest until after Election Day. At that time there will be a further meeting, and if the Democrats still feel aggrieved some form of mediation or arbitration will be used to determine whether the networks should rebate the charges for one speech to the Democrats.

With the Democrats withdrawing their demand, officials said the Republicans will have no basis for further requests for free time and even if the webs ultimately have to deduct the charges for one Democratic speech they will have eliminated the endless chain. The Coffeyville speech was broadcast free of charge because the Republicans claimed President Roosevelt's Labor Day speech was political. The Democrats said the Labor Day speech was non-political and asked time to answer the political Coffeyville speech.

In view of the fact that neither party pays for the time until after the campaign is over the adjustments will not involve a difficult bookkeeping job.

Canada in America 'School of the Air'

MONTREAL, Sept. 25.—Along with 12 other nations of North and South America, Canada will cooperate during the coming season in the "School of the Air of the Americas," according to the Canadian Broadcasting Corp.

The series of broadcasts is designed to give nations of the Western Hemisphere a clearer understanding and better appreciation of each other's culture, history and talents. Actual production will be handled by CBS in the United States and Canadian items and material will be contributed by CBC here.

In addition to supplying material for the program, CBC will carry it over the national network two afternoons each week, starting Oct. 8, and teachers in schools across the Dominion are agreeing to use the broadcast in classrooms. A manual for such teachers is being prepared by CBC.

Dismiss Radio Suit

Federal Judge Samuel Mandelbaum has dismissed the suit of American Broadcasting Co. for an injunction and damages against the Wahl Co. and Biow Co., Inc., with leave to amend the complaint. The plaintiff, operator of WOL, Washington, claims that the defendants' radio program "Take It or Leave It" infringes upon the plaintiff's program "Double or Nothing."

Off the Antenna

WHEN NBC put on the Earl Browder speech over the Blue last night the following announcement was made before the speech and a similar announcement followed the talk: "The next program is a political speech by Earl Browder under the auspices of the Communist Party. It is broadcast under the requirements of a Federal law, Sec. 315 of the Communications Act of 1934, which in effect provides that the broadcaster must afford equal broadcasting opportunities to all legally qualified candidates for public office. The views expressed by the speaker are his own."

Network officials are considering making similar announcements before and after all political speeches in the future but the policy has not been determined finally.

Frank E. Mason, NBC vice-president who is handling all political broadcasts, called his staff together at 10 A.M. yesterday to reassure them concerning a front page story in the *Journal-American* on Tuesday which stated that the network was being swamped by protests for accepting the Communist talk. Not a single protest had been received although one postcard did come in at 10:12 A.M. while Mason was speaking and one telegram and one letter were received during the day, officials said.

It was pointed out to the *Journal-American* on Tuesday that no such protests had been received and that the story was probably attracting attention to the talk. As a result, the newspaper withdrew the item from later editions.

• • •

Purely Personal: *Parks Johnson of the "Vox Pop" team will fly to Austin, Tex., tonight to pick up his family and then proceed by plane to South Bend for a broadcast on the "Knute Rockne" premiere. . . . Kate Smith yesterday was elected mayor of the "Street of Hits", better known as West 45th St. . . . Howard A. Chinn, CBS engineer in charge of the audio division, will teach the principles of audio-frequency engineering at N.Y.U. this Fall.*

• • •

Mediation negotiations were resumed at the office of William H. Davis, chairman of the New York State Mediation Board, between network and American Federation of Radio Artists officials yesterday but no conclusion was reached. A further meeting will be held this morning between A.F.R.A. and network representatives alone and Davis will join them at an afternoon session.

• • •

Program News: *Atlantic Refining Co. will sponsor nine Holy Cross football games over the CBS New England network. . . . "Captain Midnight" will replace "Little Orphan Annie" for Ovaltine over Mutual Sept. 30. . . . Dave Elman's new show over Mutual will invite persons to appear on the program to contact lost relatives or friends. Called "Contact," it will start Saturday, Oct. 5, at 9:30 P.M. . . . Procter & Gamble will add stations WJAC, Johnstown, Pa., and WFBG, Altoona, Pa., to the NBC networks carrying four shows, "Vic and Sade," "Ma Perkins," "Story of Mary Merlin" and "Pepper Young's Family."*

• • •

Network officials yesterday declared that Ascap had made no request for free time to broadcast its music festival from the San Francisco World's Fair on Tuesday. The statement was made in response to requests for comment on a declaration by Gene Buck, Ascap president, that he intended to file protests with the FCC on the "boycott." Also, it was said that if networks broadcast the proceedings of each special day at both Fairs, there would be little time for other programs.

Town Hall to Sponsor Lectures on Radio

TOWN HALL will present a series of lectures on "American Radio and How to Use It" this Fall. FCC Chairman James L. Fly will open the series on Oct. 17 with "Radio in America Today."

Other lectures scheduled include: Oct. 24, "Importance of Radio as Communication," C. A. Siepmann of Harvard; Oct. 24, "Program Making," Julius F. Seebach, WOR program director; Nov. 7, "Radio in Public Schools," John W. Studebaker, U. S. Commissioner of Education; Nov. 14, "Broadcasts for Classrooms—Elementary Schools," Sterling Fisher, CBS director of educational programs, Margaret Harrison, Jane E. Monahan, Rollo G. Reynolds, Belmont Farley; Nov. 28, "Broadcasts for Classrooms—High Schools," Franklin Dunham, NBC, Marian Race, Giles M. Rae, J. Wayne Wrightstone; Dec. 5, "Broadcasts for Classrooms," demonstration; Dec. 12, "Music Education by Radio," Alton O'Steen, Olga Samaroff Stokowski; Dec. 19, "School Use of Radio Forums," Lyman Bryson, CBS, Ignatius Taubeneck, Orrell A. York, Arthur Northwood, Jr.; Jan. 2, "Listening Discussion Group Participation," George V. Denny, Jr., Town Hall president; Jan. 9, "Producing Broadcasts for School Use," Philip Cohen, Library of Congress radio director; Jan. 16, "Producing School Broadcasts Within the School," Alice Keliher; Jan. 23, "Broadcasts from Ultra High Frequency Educational Stations," James Macandrew, coordinator of broadcasting of WNYE; Jan. 30, "Future of Educational Broadcasting," James R. Angell, NBC educational counselor; and a studio visit to NBC, Feb. 6.

McCrea in 'Pioneer'

HOLLYWOOD, Sept. 25. — Joel McCrea will co-star with Barbara Stanwyck in Paramount's "Pioneer Woman," a William A. Wellman production.

Set Bette Davis Film

HOLLYWOOD, Sept. 25.—Warners today announced that the next Bette Davis vehicle would be "January Heights," co-starring George Brent. The film is due to start Oct. 21.

Connery Suggests Heavy Radio Taxes

WASHINGTON, Sept. 25.—Heavy taxes on radio were suggested today by Rep. Lawrence J. Connery as a check on monopoly and as protection for newspapers whose advertising revenues are threatened.

Attacking the "radio monopoly," Connery said newspapers and magazines provide employment for more than 100,000 workers at an average weekly wage of close to $50, while 700 radio stations employ only 11,000 persons at an average of less than $30 and some 2,600 musicians and artists at $46 average, together with part time workers averaging $15-$18 weekly.

Connery declared that most newspapers and magazines made 10 per cent or less on their investments during the past 10 years while the two major networks have shown net profits of almost 100 per cent on their investments during the past 12 years. He asserted that it was not his desire "to cripple or hinder the radio industry" and pointed out that it "furnishes information and pleasure to many millions of our people" but added that the preservation of a free press was essential to democracy.

Cleveland Schools Shift to FM System

WASHINGTON, Sept. 25.—The Federal Communications Commission has authorized the Cleveland Board of Education to change the city's school system of educational radio from amplitude modulation to frequency modulation, changing the board's station, WBOE, from 41,500 to 42,500 kilocycles and increasing its power from 500 and 1,000 watts.

Stations KUJ, Walla Walla, Wash., and KRLC, Lewiston, Idaho, have been authorized to exchange frequencies, the former moving from 1,370 to 1,390 kilocycles and increasing power from 100 to 1,000 watts, and the latter moving from 1,390 to 1,370 kilocycles but retaining its present power of 250 watts.

The commission cancelled the license of WRTD, Richmond, Va., and ordered hearings, at dates to be set later, on the applications of the Harbenito Broadcasting Co. for a new 1,420-kilocycle, 250-watt station at Harlingen, Tex.; Stephen R. Rintoul for a new 1,370-kilocycle, 250-watt station at Stamford, Conn., and Station WGNY, Newburgh, N. Y., for change of frequency from 1,220 kilocycles to 1,370 kilocycles and extension of time from day to unlimited.

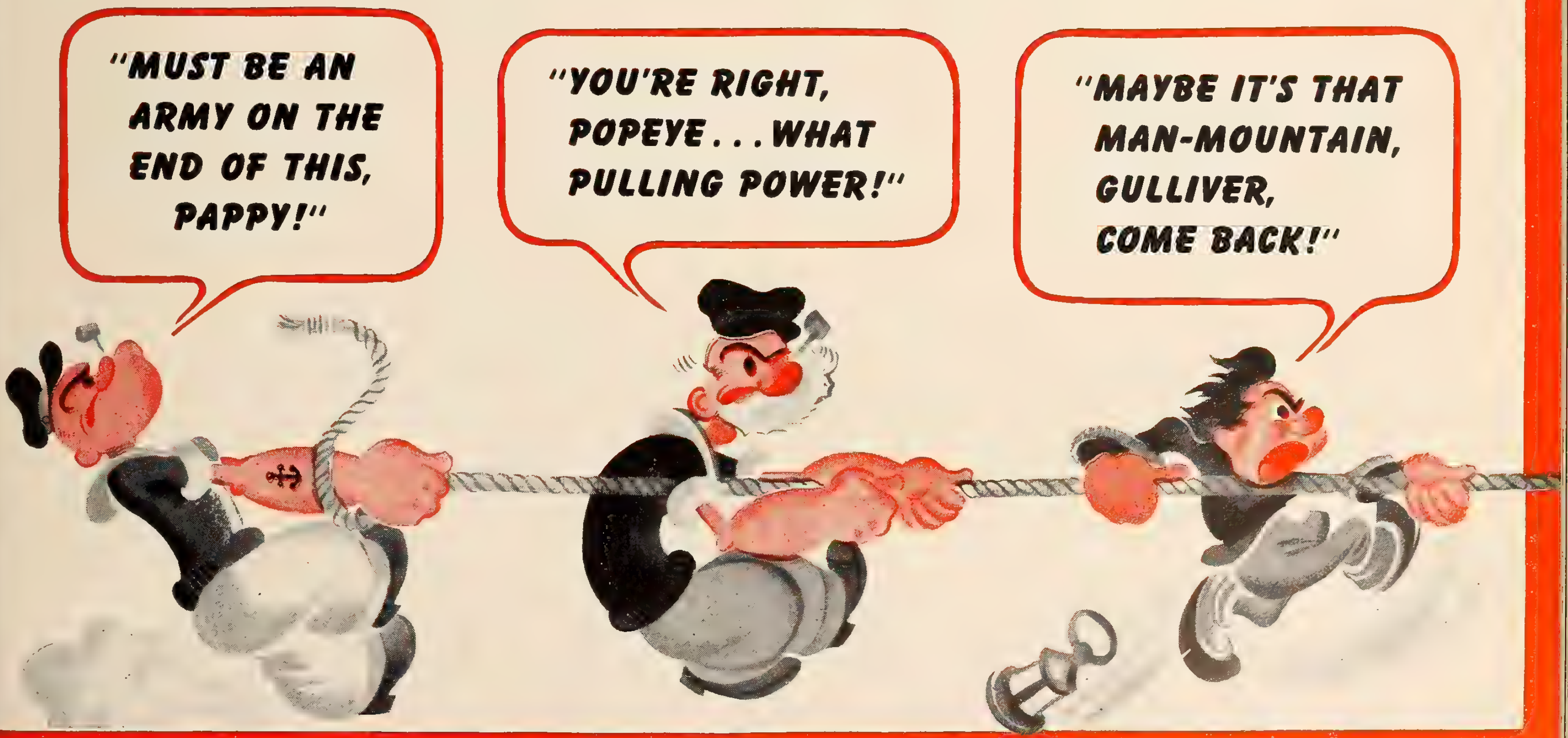
Seek K. C. Band Shell

KANSAS CITY, Sept. 25.—Effort is being made here to obtain approval for a $40,000 project for erecting a bandshell in Swope Park large enough to accommodate the Kansas City Philharmonic, so that it can give year-around performances. The orchestra now plays only during the Winter season.

Library Party Tomorrow

The Museum of Modern Art Library will hold a reception in the penthouse of the Museum tomorrow to celebrate the acquisition by the library of the entire Pathe News film library dating from 1910 to 1930.

INTRODUCING THE GREATEST STRONG MAN ACT IN BOX OFFICE HISTORY


"MUST BE AN ARMY ON THE END OF THIS, PAPPY!"
"YOU'RE RIGHT, POPEYE...WHAT PULLING POWER!"
"MAYBE IT'S THAT MAN-MOUNTAIN, GULLIVER, COME BACK!"

POPEYE

For box office pulling power, POPEYE—spinach-eating, hard-slugging hero of the screen's most popular cartoon—has never been licked! He's appearing in TWELVE fun-packed Max Fleischer Shorts in 1940-41!

POOPDECK PAPPY

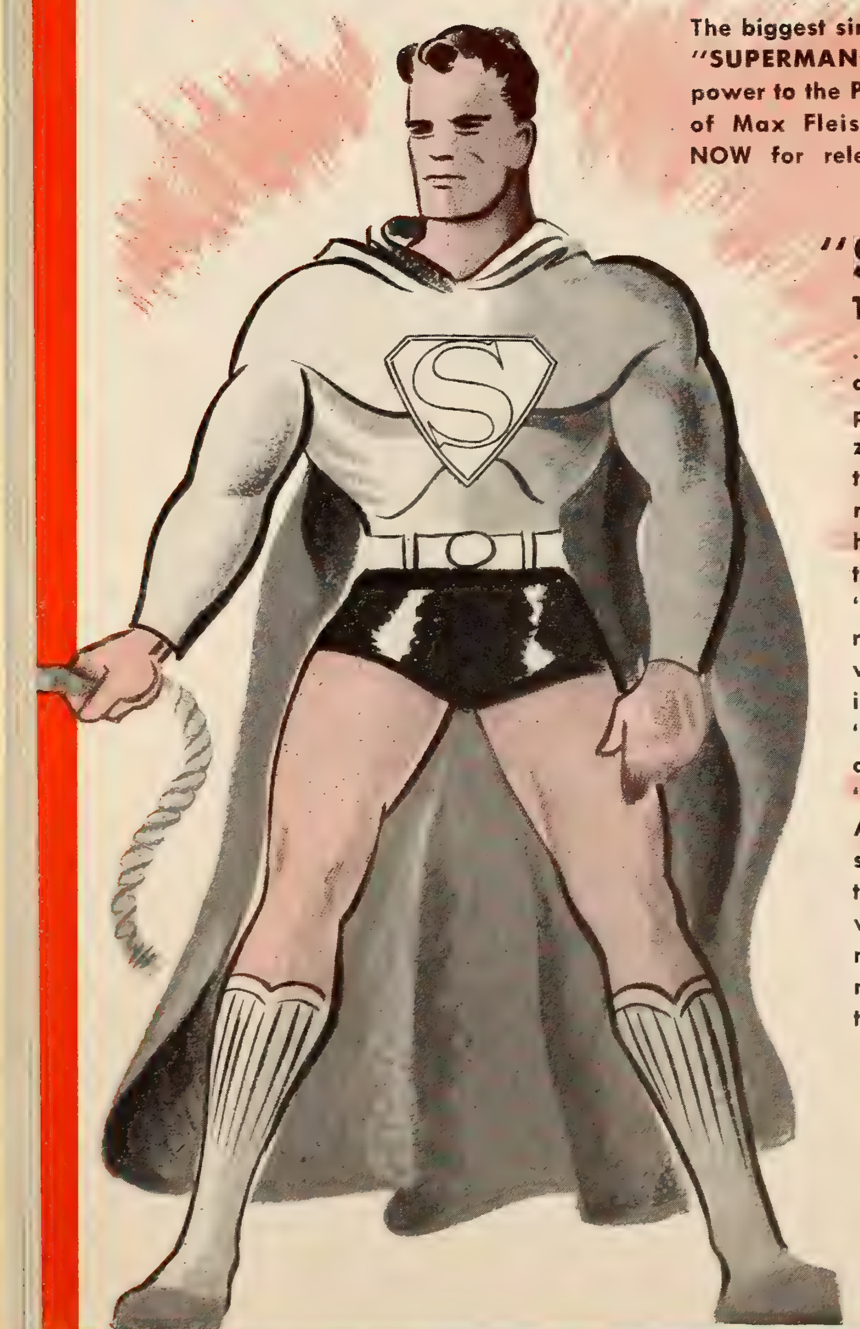
Popeye gets real help for pulling 'em in, beginning with the release of "PROBLEM PAPPY" in October! "Poopdeck Pappy," the walloping sailor's pop, makes his screen bow in this short. Popeye fans will be nuts about him—just as the readers of the Popeye cartoon strip are nuts about him now!

GABBY

He's a little man—but he's definitely THERE when it comes to box office pulling power! "Gabby," who took Gulliver by storm in "Gulliver's Travels," is star of a series of GABBY TECHNICOLOR SHORTS to be released beginning in October. First release is "King for a Day" —watch it pull 'em in!

WHAT A PULL THIS GUY MUST HAVE

PULLING 'EM IN IS ONLY CHILD'S PLAY FOR SUPERMAN



The biggest single draw in cartoons today, "SUPERMAN" adds his terrific pulling power to the Paramount line-up in a series of Max Fleischer shorts in production NOW for release starting at Christmas!

"SUPERMAN" THRILLS MILLIONS

. . . the "Superman" strip appears in 182 leading newspapers . . . "Superman Magazine" has a circulation of more than a million . . . the "Superman of America" Club now has an enrollment of more than a million kids . . . the "Superman" radio program reaches more millions — surveys show it is one of the leading serials on the air . . . "Superman" reaches 870,000 additional readers through "Action Comic Magazine"! And when the "Superman" shorts are released, more than twenty authorized licensees will be hitting the stores of the nation with "Superman" merchandise . . . naturals for theatre tie-ups!

Remember there's plus PULLING POWER in all these PARAMOUNT Shorts

6

"UNUSUAL OCCUPATIONS"

In Cinecolor! Always in demand by Exhibitors who know!

6

"FASCINATING JOURNEYS"

In Technicolor! Your customers want to go places...take them there in your own theatre!

4 Single Reel

Robert Benchley Comedies

A stand-out in any program. Book it . . . advertise it . . . watch the customers go for it!

"RAGGEDY ANN"

A two-reel cartoon in color . . . one of the biggest little hits you've ever played!

6 Paramount

"PARAGRAPHICS"

The top-notch series from which came that Academy Award Winner, "Busy Little Bears"!

6

"MADCAP MODELS"

In Technicolor! Starring those uproarious, amazingly human, new little figures in plastic!

13 Grantland Rice

"SPORTLIGHTS"

With Ted Husing announcing the best Sports shorts in the business!

6

"POPULAR SCIENCE"

In Cinecolor! Sixth year . . . and still growing in popularity!

8

"HEADLINERS"

This series is hot as the bands it brings you . . . hot as the tunes they swing!

10 Max Fleischer's

"ANIMATED ANTICS"

New songs . . . new tricks . . . new characters, including Twinkletoes, the Three Spies and others you demanded!

'Boom Town' Hits $50,000, Tops Boston

BOSTON, Sept. 25.—Grossing $50,000 in its first week at Loew's State and Orpheum, "Boom Town" was a standout in a firm week. It took $21,700 at the State and $28,300 at the Orpheum. "Hired Wife" took $15,500 at Keiths' Memorial.

Estimated takings for the week ending Sept. 18:

"Laughing at Danger" (Mono.)
"Stage to Chino" (RKO)
KEITH BOSTON—(3,200) (25c-35c-40c-55c) 7 days, Stage review with Rosita Royce, Al Bernie. Gross: $6,800. (Average, $8,000)

"Hired Wife" (Univ.)
"Men Against the Sky" (RKO)
KEITH MEMORIAL—(2,907) (25c-35c-40c-55c) 7 days. Gross: $15,500. (Average, $16,000)

"Sea Hawk" (W. B.)
"Charlie Chan at the Wax Museum" (20th-Fox)
METROPOLITAN—(4,367) (25c-35c-40c-55c) 7 days, 2nd week. Gross: $13,800. (Average, $15,500)

"Captain Caution" (U. A.)
"Earl of Puddlestone" (Rep.)
PARAMOUNT—(1,797) (25c-35c-40c-55c) 7 day. Gross: $7,000. (Average, $7,500)

"Captain Caution" (U. A.)
"Earl of Puddlestone" (Rep.)
FENWAY—(1,320) (25c-35c-40c-55c) 7 days. Gross: $4,000. (Average, $4,500)

"Rhythm on the River" (Para.)
"Sporting Blood" (M-G-M)
SCOLLAY—(2,500) (25c-35c-40c-55c) 7 days. Gross: $3,600. (Average, $4,000)

"Boom Town" (M-G-M)
"The Lady in Question" (M-G-M)
LOEW'S STATE—(3,000) (35c-44c-55c-65c) 7 days. Gross: $21,700. (Average, $12,000)

"Boom Town" (M-G-M)
"The Lady in Question" (M-G-M)
LOEW'S ORPHEUM—(2,900) (35c-44c-55c-65c) 7 days. Gross: $28,300. (Average, $17,500)

Legion Approves Thirteen New Films

The National Legion of Decency for the current week has approved all of the 13 new films reviewed and classified, nine for general patronage and four for adults. The new pictures and their classification follow.

Class A-1, Unobjectionable for General Patronage—"Arizona Gang Busters," "Calling All Husbands," "Christmas in July," "Five Little Peppers in Trouble," "The Howards of Virginia," "Strike Up the Band," "Triple Justice," "Under Texas Skies," "Up in the Air." Class A-2, Unobjectionable for Adults—"After Mein Kampf," "Brigham Young—Frontiersman," "Pastor Hall," "Yesterday's Heroes."

Heads Warner Club

ALBANY, Sept. 25. — The Capital District Warner Clubs at a joint meeting elected James Moore, Warner booker to succeed Max Friedman as president. Other officers are: Joseph Weinstein, vice-president for entertainment; Leo Drexler, vice-president for welfare; Howard Goldstein, vice-president for membership; Pauline Steinbach, secretary; Joseph Tanski, treasurer, and James P. Faughnan, chairman of loans and contributions.

Brennan to Opening

Walter Brennan, leading player in the Samuel Goldwyn-United Artists film, "The Westerner," will attend the Eastern premiere of the picture at the Stanley, Philadelphia, tomorrow.

'Correspondent' at $12,400, Providence

PROVIDENCE, Sept. 25.—Opening of the Metropolitan on a stage-screen policy gave regular film exhibitors some opposition. "Foreign Correspondent" and "The Golden Fleecing" at Loew's State took $12,400, and "Boom Town" gave the Carlton $3,900 for the third week.

Estimated takings for the week ending Sept. 18-19:

"The Ramparts We Watch" (RKO)
"Saps at Sea" (U.A.)
RKO-ALBEE—(2,239) (28c-39c-50c) 7 days. Gross: $6,200. (Average, $6,000)

"Foreign Correspondent" (U. A.)
"The Golden Fleecing" (M-G-M)
LOEW'S STATE—(3,232) (28c-39c-50c) 7 days. Gross: $12,400. (Average, $11,000)

"The Man Who Talked Too Much" (W.B.)
"River's End" (W.B.)
Majestic — (2,250) (28c-39c-50c) 6 days. Gross: $3,000. (7-day average, $7,000)

"I Want a Divorce" (Para.)
"Girl from God's Country" (Rep.)
STRAND — (2,200) (28c-39c-50c) 7 days. Gross: $5,500. (Average, $6,000)

"Boom Town" (M-G-M)
"The Lady in Question" (Col.)
CARLTON—(1,526) (35c-50c-65c) 7 days. 3rd week. Gross: $3,900. (Average, $3,500)

"Boys of the City" (Mono.)
METROPOLITAN — (3,045) (28c-39c-55c-75c) 7 days. Glenn Miller Orchestra on stage. Gross: $12,000. (Average, $15,000)

"Stage to Chino" (RKO)
"Gambling on the High Seas" (W.B.)
FAY'S—(1,800) (15c-28c) 7 days. Gross: $2,600. (Average, $2,500)

"Golden Gloves" (Para.) (3 days)
"La Conga Nights" (Univ.) (3 days)
"I Love You Again" (M-G-M) (4 days)
"The Man I Married" (20th-Fox) (4 days)
EMPIRE — (2,200) (20c-28c) 2nd run. Gross: $1,575. (Average, $1,700)

11 Pa. Towns to Vote On Sunday Pictures

PITTSBURGH, Sept. 25.—Eleven communities in the Greater Pittsburgh area, representing 119,000 population, will vote on Sunday films at a referendum at the Nov. 5 election.

Sunday shows are now legal in three of the 11 boroughs: Carnegie, Castle Shannon, and Springdale. Other localities voting, now without Sunday films are Brackenridge, Brentwood, Crafton, Harrison Township, Munhall, Tarentum, Turtle Creek, and Wilkinsburg.

Tax Toronto Marquees

TORONTO, Sept. 25.—The Toronto government has decided to impose a license fee on all marquees based on the area covered by the projections at the rate of 25 cents per square foot, payable annually.

Virginians at Opening

About 300 members of the Virginians of the City of New York will attend the premiere of "The Howards of Virginia" at the Music Hall tonight. They will gather for a reception in the studio penthouse before the performance.

Extend Metro Contest

The M-G-M exploitation contest among independent exhibitors has been extended to include releases from the start of the new season to Nov. 1. Prizes for the best campaigns will total $10,000. Participants total more than 3,800 to date.

Esther Ralston in Film

HOLLYWOOD, Set. 25.—After an absence of two years, Esther Ralston has arrived in Hollywood to play the role of Nora Bayes in "Tin Pan Alley" for 20th Century-Fox.

Rescind Mexican Ban on 'Ninotchka'

Mexico City, Sept. 25.—Lifting of the exhibition ban on M-G-M's "Ninotchka," which was imposed some time ago because the powerful Confederation of Mexican Workers objected to the film's spoofing of Communism, has resulted from the stand President Lazaro Cardenas has taken against the Red doctrine.

'Sea Hawk' Draws $18,000 in Detroit

DETROIT, Sept. 25.—"The Sea Hawk" and "Ladies Must Live" grossed $18,000 at the Michigan, while the Fox drew $15,500 with "Brigham Young—Frontiersman."

Estimated takings for the week ending Sept. 19:

"He Stayed for Breakfast" (Col.)
"The Lady In Question" (Col.)
ADAMS—(1,600) (15c-50c) 7 days. Gross: $4,500. (Average, $5,000)

"All This, and Heaven Too" (W. B.)
"Sporting Blood" (M-G-M)
FISHER—(2,700) (15c-50c) 7 days. Gross: $6,000. (Average, $7,000)

"Brigham Young—Frontiersman" (20th-Fox)
FOX—(5,000) (15c-55c-65c) 7 days. Gross: $15,500. (Average, $15,000)

"The Sea Hawk" (W. B.)
"Ladies Must Live" (W. B.)
MICHIGAN—(4,000) (15c-55c-65c) 7 days. Gross: $18,000. (Average, $12,000)

"I Want a Divorce" (Para.)
"Comin Round the Mountain" (Para.)
PALMS—(2,000) (15c-39c-55c) 7 days. Gross: $5,000. (Average, $7,000)

"Boom Town" (M-G-M)
UNITED ARTISTS—(3,000) (20c-50c-75c) 7 days, 4th week. Gross: $9,000. (Average, $10,000)

'Howards' Has Good $18,300, Philadelphia

PHILADELPHIA, Sept. 25. — There were mostly holdovers at the downtown houses. "The Howards of Virginia" at the Stanley took $18,300. "Wyoming," at the Stanton, did $5,900. Weather conditions were perfect.

Estimated takings for the week ending Sept. 18-20:

"Captain Caution" (U. A.)
ALDINE—(1,400) (35c-41c-46c-57c-68c) 7 days. Gross: $8,100. (Average, $9,000)

"He Stayed for Breakfast" (Col.)
ARCADIA—(600) (35c-46c-57c) 7 days, 3rd run. Gross: $3,800. (Average, $2,600)

"No Time for Comedy" (W. B.)
BOYD—(2,400) (35c-41c-46c-57c-68c) 7 days, 2nd week. Gross: $8,600. (Average, $13,000)

"Boom Town" (M-G-M)
EARLE—(4,000) (46c-57c-73c) 7 days, 3rd week. Gross: $16,500. (Average, $14,000)

"Sailor's Lady" (20th-Fox)
FAY'S — (2,190) (15c-28c-34c-45c-56c) 7 days with vaudeville including Ann Corio, Don Rice, Bob & Betty Brown, Gil & Bernice Maison, Bob Marshall and Annette Shields. Gross: $9,600. (Average, $6,900)

"Foreign Correspondent" (U. A.)
FOX—(3,000) (35c-41c-46c-57c-68c) 7 days, 2nd week. Gross: $12,400. (Average, $13,000)

"The Lady in Question" (Col.)
KARLTON—(1,000) (35c-41c-46c-57c-68c) 7 days. Gross: $2,900. (Average, $3,000)

"Pastor Hall" (U. A.)
KEITH'S—(2,200) (35c-41c-46c-57c-68c) 7 days, 2nd run. Gross: $3,600. (Average, $4,500)

"The Howards of Virginia" (Col.)
STANLEY—(3,700) (35c-41c-46c-57c-68c) 7 days. Gross: $18,300. (Average, $14,000)

"Wyoming" (Col.)
STANTON—(1,700) (35c-46c-57c) 7 days. Gross: $5,900. (Average, $4,500)

Presenting...
PHIL SILVERS in
HIT PARADE OF 1941
W P
A Republic PICTURE
AND A BRILLIANT CAST OF SCREEN AND RADIO STARS!

starring
Kenny BAKER · Frances LANGFORD
Hugh HERBERT · Mary BOLAND · Ann MILLER
PATSY KELLY · PHIL SILVERS · STERLING HOLLOWAY
DONALD MacBRIDE · BARNETT PARKER
FRANKLIN PANGBORN · SIX HITS AND A MISS
Borrah MINEVITCH and his HARMONICA RASCALS · John H. Auer—Director

Spurred by the desire to bring talking pictures to an ever higher state of technical perfection, ERPI and Bell Telephone Laboratories will continue to work hand in hand to anticipate and solve your problems of tomorrow. In years ahead, you can depend upon these two organizations to point the way to still finer apparatus for recording and reproducing sound in pictures.

Electrical Research Products Inc.

195 BROADWAY, NEW YORK, N. Y.

SUBSIDIARY OF

Western Electric Company

FILE COPY
DO NOT REMOVE

Alert, Intelligent and Indispensable to the Motion Picture Industry

MOTION PICTURE DAILY

First in Film and Radio News Brief, Accurate and Impartial

VOL. 48. NO. 63 NEW YORK, U. S. A., FRIDAY, SEPTEMBER 27, 1940 TEN CENTS

Myers Asked To Call Allied Decree Meet

Demand Made at Session Of N. J. Convention

ATLANTIC CITY, Sept. 26.—Abram F. Myers, Allied States general counsel, was asked here today to call a meeting of the organization's leaders to further discuss the pending Federal consent decree and the problems which may confront exhibitors as a result of the block-of-five sales proposal.

Demand for the meeting was made upon Myers by Jack Kirsch, president of Illinois Allied and vice-president of the national organization, in an address to the convention of Allied of New Jersey in session at the Hotel President here.

National Allied has been reported to be amenable to the consent decree as it stands, despite numerous resolutions by its affiliated units condemning the block-of-five proposal. Myers will address the convention tomorrow on the decree.

In his address, Kirsch also attacked double and triple features and give-

(*Continued on page 4*)

Name Women's Unit For 'Night of Stars'

Mrs. Herbert H. Lehman, wife of the Governor of New York, and Mrs. Roger W. Straus, honorary chairman and executive chairman, respectively, will head the Women's Division of the seventh annual "Night of Stars" show for refugee aid at Madison Square Garden, on Nov. 27. The proceeds will go to the United Jewish Appeal.

Other members of the Women's Divison are: Mrs. Richard Gottheil, Mrs. Ferdinand Sonneborn, and Sophie Tucker, honorary chairmen; Mrs. Ted Lewis, Mrs. Leo Spitz and Mrs. Joseph Stroock, chairman; Mrs. Barney Balaban, Mrs. Nathan Blumberg, Mrs. Sol Bonaparth, Mrs. Israel Goldstein, Mrs. Hal Horne.

Push Clocks Back

Daylight Saving Time will come to an end at 2 A. M. Sunday morning, the last Sunday in September, and all timepieces are to be set back one hour, making up the hour lost at the end of last April.

U.A. Releases Will Dominate Broadway

With the opening of Alexander Korda's "Thief of Bagdad" at the Globe Oct. 21 or 22, United Artists will have a virtual monopoly on Broadway, with films in six houses.

In addition to "Bagdad," on a roadshow policy, scaled up to $2.20, U. A. will have Charlie Chaplin's "The Great Dictator" at the Astor and Capitol; Walter Wanger's "Long Voyage Home" at the Rivoli; Samuel Goldwyn's "The Westerner" at Radio City Music Hall, and Wanger's "Foreign Correspondent" at Loew's State, all at approximately the same time.

Ascap Sees Radio Fight Settled Soon

Settlement of the feud between broadcasters and Ascap before Jan. 1 was foreseen by John G. Paine, Ascap general manager, at a meeting of band leaders yesterday. The meeting was called at the suggestion of Russ Morgan, who saw extensive music libraries valued at over $10,000,000 jeopardized by the fight.

The band leaders will meet with Broadcast Music, Inc., on Monday,

(*Continued on page 8*)

U.A. AND COLUMBIA MAY FIGHT DECREE

Action Would Be Based On Alleged Conspiracy In Escape Clause

United Artists and Columbia, individually, are considering the advisability of taking legal steps to oppose the Federal court's approval of the proposed consent decree in the New York anti-trust case, it was learned yesterday.

Intervention would be based upon the contention that the decree's escape clause embodies a conspiracy to force non-consenting companies to become parties to the decree to the possible injury of their business, and that the wording of the clause implies discrimination or compulsion against non-consenting companies.

The United Artists board of directors, at a meeting yesterday, considered the advisability of opposing the decree in court. No final decision was made but board members were furnished copies of the escape clause and decree for further study.

Columbia officials also have been studying implications of the escape

(*Continued on page 4*)

UA Producers Split$250,000

A dividend of $250,000 is available for division among United Artists producers under the Maurice Silverstone producers' bonus plan, it was learned yesterday.

Maurice Silverstone

Apportionment of the fund is made on the basis of the total grosses of individual producer's pictures. Grosses reaching a specified level entitle the producer to participation in the bonus, with the extent of the participation determined by the total gross of each producer's contributions.

The producers' bonus plan was inaugurated by Silverstone, United Artists chief executive, in 1938, and has been followed every year. Largest participations in earlier divisions of the bonus have gone to David O. Selznick, Samuel Goldwyn, Alexander Korda and Walter Wanger.

COAST INDEPENDENTS OFFER PROGRAM REPLACING DECREE

LOS ANGELES, Sept. 26.—The Pacific Coast Conference of Independent Theatre Owners has proposed to the Department of Justice an 11-point trade practice program with the recommendation that the pending Federal consent decree be scrapped in its entirety and replaced by the suggested 11-point program, it was disclosed here today.

The West Coast exhibitor organization's proposals for trade practice reforms are as follows:

All contracts for features shall clearly identify individual pictures; the burden of proof as to whether or not the pictures described were subsequently delivered to rest with the distributor.

The exhibitor shall have the right to cancel 20 per cent of the pictures.

Distributors shall not have the right to designate preferred playing time.

Distributors shall not force westerns, reissues, serials, foreign productions, shorts, newsreels or trailers with any feature or features.

All clearance shall be computed from the opening date of the first run in each exchange territory. Unfair clearance shall be eliminated.

When an exhibitor buys a selective contract he shall be required to give notice of acceptance or rejection of any picture covered by the contract within one week of receipt of a notice of availability, in order to establish definite availability dates for such pictures for subsequent runs.

A new, brief standard exhibition contract shall be prepared with the

(*Continued on page 4*)

Pact Gives Writers 80% Guild Shop

HOLLYWOOD, Sept. 26.—An 80 per cent Guild shop is provided in the Screen Writers Guild contract with producers announced tonight at a mass meeting of film writers here. The agreement will run for six months, provides for S.W.G. credit and machinery to settle disputes.

A desire of Guild and producer committees to "get something down on paper" is believed the reason for the short term of the contract.

Arnold on Coast for Fox West Coast Case

LOS ANGELES, Sept. 26.—Thurman W. Arnold, assistant U. S. Attorney General, arrived here today and spent several hours conferring with Harold Collins, special assistant, on records concerning the Government citation of Fox West Coast and major distributors, for alleged consent decree violations. Disposition of the contempt charges against Fox West Coast awaits outcome of the New York anti-trust suit.

His Own Competition

MICKEY ROONEY, heading the stage show at Loew's State, current week, will be in competition with his own picture, "Strike Up the Band," which opens at the Capitol tomorrow.

No dire consequences are foreseen, however, for whichever way trade goes Loew's will benefit.

Art Theatres End French Film Cycle

Foreign film distributors here are of the opinion that the "art" theatre has ended its cycle of French films as a result of the collapse of the French nation. There is a possibility that Spanish product may replace the French, but hardly in sufficient quantity to supply the art theatres of the country. As a consequence, many of that type of intimate theatre, located for the most part in large cities, are closing or already have closed for lack of suitable product.

Andre Heymann, president of the French Film Center, who has several French pictures supposedly en route from France, with which his firm has lost contact, believes there is little chance of production being resumed in France while the country is occupied by the Germans. Other executives see this as a transition year for the art theatres, with an expected change from French to Latin American product.

Court Extends City Control Over Signs

The city's control over large display signs was extended yesterday when Magistrate Michael A. Ford ruled that permits must be obtained for signs that are lighted indirectly as well as those having regular illumination.

Magistrate Ford gave the decision in Municipal Term Court, fining the Hercules Theatre Corp., operator of the Paramount on Broadway, $50 for failing to obtain a city permit and pay 10 cents a square foot for a big sign used last April which was illuminated by floodlights on the building. Officials said the ruling would open up a source of thousands of dollars of revenue for the city.

Lindy's INC.
RESTAURANTS
1626 BROADWAY 1655
(Next to the Rivoli Theatre) (51st Street Corner)
For over 20 years the luncheon and dinner place for Motion Picture People
Sole agents in New York for FAMOUS
BLUM'S ALMONDETTES
from
San Francisco, California

Personal Mention

JACK COHN, Columbia vice-president; Abe Montague, general sales manager, and Abe Schneider, treasurer, left by train yesterday for the Coast. They will spend about a week at the studio conferring on new product and sales policies.

•

Dr. A. H. Giannini is here from the Coast for a brief visit.

•

Sam Rinzler, Louis Frisch, Edward Rugoff, Herman Becker, Cecelia Ager, Mrs. William Morris, Emanuel Silverstone, Harry Buckley, Sol Edwards, Rube Jackter, John Wright, J. J. Bregman, John J. O'Connor, Edgar Leslie, George W. Meyer and Louis Bernstein having lunch yesterday at Lindy's (next to the Rivoli).

•

Postmaster General Frank C. Walker and Mrs. Walker are scheduled to attend the opening of "Knute Rockne—All American," in South Bend Oct. 4.

•

Edith Elfstrom of the Walter Reade circuit and John Dennis are newlyweds.

•

Arthur W. Kelly, James Mulvey, James R. Luntzel, Sam Citron, Jeffrey Bernerd, Walter Futter and Douglas Rothacker having lunch at the Tavern yesterday.

•

Bette Davis left for her New Hampshire farm yesterday. She will return to the Coast in a week.

•

ED KUYKENDALL, M.P.T.O.A. president, is en route to St. Louis for the meeting there Monday of the M.P.T.O. of Missouri and Southern Illinois. He will go to Washington from there.

•

Harry L. Gold, Charles Stern, Arthur Silverstone, Hal Young and Jack Goetz at Lindy's (51st St.) yesterday for lunch.

•

Harry Botwick, manager of the State, Portland, Me., and Mrs. Botwick have completed a motor trip through New England.

•

Leland Hayward, Hollywood agent, is in town.

•

William F. Rodgers, Harry Thomas, Sam Shain, Ed Saunders, Owen Davis, Owen Davis, Jr., and Tom Connors at Nick's Hunting Room in the Astor for lunch yesterday.

•

Adolph Zukor, Barney Balaban, Neil Agnew, J. J. Unger, George Dembow, Clayton Bond, Jacob Wilk, Harry Oshrin, Harold Orlob, Marcus Heiman, Charles M. Reagan, John Byram, Russell Holman, Vernon Duke, Eddie Dowling, Nigel Bruce, Brock Pemberton and Harry Royster lunching yesterday at Sardi's.

•

Roy Disney will leave for the Coast today after a two weeks' visit here.

Red Issue Scheduled For Equity Meeting

After a five-hour session of Actors Equity yesterday, officials said that the issue of Communists in the organization, and Red control, would be threshed out at a membership meeting today at the Hotel Astor.

Four hours of the meeting was taken up with evidence concerning charges of Communist sympathies among certain Equity leaders and the demand by Representative Lambertson of Kansas that Equity institute a "purge."

The council adopted a vote of confidence for Paul Dullzell on the correspondence he has had with Congressman Lambertson and a set of resolutions for today's meeting.

Conn. MPTO Against Price Slash for Tax

New Haven, Sept. 26.—The Connecticut M.P.T.O. membership, surveyed by the organization to determine its reaction to lowering the admission level for the Federal defense tax, has voted almost unanimously in opposition to such a reduction, according to Herman M. Levy, executive secretary.

Clark Rites Tomorrow

Funeral services for Marguerite Clark, silent screen star who died here Wednesday, will be held at 10 A.M. tomorrow at the Frank E. Campbell Funeral Church, Madison Ave. and 81st St. After cremation, the ashes will be taken to New Orleans and placed in the family mausoleum beside those of her husband, who was Harry P. Williams.

Court Indicates Ban On 'Ramparts' Stays

Philadelphia, Sept. 26.—Judges MacNeille and Davis today reserved decision on the state censor board ban of "The Ramparts We Watch," which has been appealed by March of Time, but indicated that the ban would be upheld. Judge MacNeille told counsel that no abuse of the censors' discretion had been proved, "and that is all we are concerned with."

Philadelphia, Sept. 26.—The U. S. Navy Department last night abruptly called off a scheduled screening of "The Ramparts We Watch" a few hours before a group of high Army and Navy officials were to see the film at the Philadelphia Navy Yard.

RCA Awarded Navy Equipment Contract

Washington, Sept. 26.—The Navy Department today awarded a contract to RCA Manufacturing Co. for sound picture equipment to the value of $34,467. The equipment is being acquired as part of the Navy's plan for the replacement of worn and obsolete apparatus.

Goldwyn Leaves Today

Samuel Goldwyn will leave for the Coast today after a week in New York during which he conferred with Lillian Hellman on the screen story for his forthcoming production "The Little Foxes," and retained George Z. Medalie, former U. S. District Attorney, to replace the late Max Steuer as his attorney in his contract litigation with United Artists.

Newsreel Parade

THE arrival in Canada of English refugee children, the American Legion parade in Boston and an array of events pertinent to preparedness make up the new issues. The reels and their contents follow:

MOVIETONE NEWS, No. 5—American Legion parade in Boston. Kidnapped b returned. English children arrive in C ada. British naval chief voices appro of destroyer deal with U. S. Connecticut gun plant speeds production. Elliott Roosevelt in air reserve. Fastest plane in California. Children's fashions. Texas girls play football. Shark fishing in the Pacific. Fox hunt in Australia.

NEWS OF THE DAY, No. 204—California boy kidnapped and returned. Willkie on tour. Refugee children arrive in Canada. Record number of army volunteers. Elliott Roosevelt joins the air reserve. American Legion parade in Boston. Fred Snite becomes a father. Fashions. Stunt drivers at a country fair.

PARAMOUNT NEWS, No. 9—Independence Day parade in Mexico City. Fred Snite at hospital with new daunghter. Elliott Roosevelt sworn in as army air captain. Hollywood elephants in annual cleanup. Kidnapped boy home safely. Legionnaires parade in Boston. Refugees from England arrive in Canada. Willkie campaigns in Oregon. Roosevelt in Philadelphia.

RKO PATHE NEWS, No. 9—American Legion parades in Boston. De Tristan kidnapping solved. Willkie on campaign tour. Riots in Shanghai. Rodeo in Oregon. New fire-proof glass tested. Child war refugees arrive in Canada.

UNIVERSAL NEWSREEL, No. 914—Legion parade in Boston. Defense: machine gun output increased; army tests fastest plane; National Guard unit sails for duty; Elliott Roosevelt in the air corps. Model plane contest. Military parade in Chile. Kidnapped boy returned home. Fashions. Polo matches. Wild West rodeo.

Greenthal Is Given Party on Birthday

Monroe Greenthal, United Artists exploitation and trade paper advertising manager, was given a birthday luncheon at Lindy's (51st St.) by a large group of friends yesterday. Don Gibbs presented Greenthal with a drawing of himself done by Armando. Among those present were John Hertz, Jr., Harry Gold, Jack Goetz, Arthur Silverstone, Chales Stern, Hal Horne, Gibbs and Armando.

'Mozart' at Carnegie

An English film, "Mozart," will have its American premiere at the Little Carnegie Playhouse Oct. 4. Produced by Basil Dean, the picture will be released here by I. E. Lopert.

MOTION PICTURE DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

OPENING TOMORROW THE 1940 FOOTBALL SEASON

Dates of the Big Events!

December 7

Notre Dame vs. Univ. of So. California
Played at Los Angeles

November 30

Army . . . vs. . . . Navy
Played at Philadelphia

November 23

Yale . . . . vs. . . Harvard
Played at New Haven

November 16

Missouri . . vs. . . Oklahoma
Played at Norman

November 9

Minnesota . . vs. . . Michigan
Played at Minneapolis

November 2

Duke . . . vs. . Georgia Tech.
Played at Durham

October 26

Cornell . . . vs. . . Ohio State
Played at Ithaca

October 19

Alabama . . vs. . . Tennessee
Played at Birmingham

October 12

Texas A. & M. vs. . . U.C.L.A.
Played at Los Angeles

October 4

The year's most thrilling football event!

PARAMOUNT'S

"THE QUARTERBACK"

Makes 100% perfect score with New Rochelle preview audience, which turned into a Paramount cheering squad when those laughs started rolling. Play "The Quarterback" on your home ground and score a touchdown at your box office!

"THE QUARTERBACK" A Paramount Picture with **Wayne Morris** · **Virginia Dale**
Lillian Cornell · **William Frawley** · **Edgar Kennedy** · **Jerome Cowan** · **Alan Mowbray**

U. A. and Col. May Contest Consent Pact

(Continued from page 1)

clause and are expected to reach a decision on whether or not legal steps to oppose the decree will be taken.

Universal officials considered taking similar steps recently but after preliminary study came to the conclusion that the company had no standing in the decree procedure and, for the time being at least, does not contemplate opposition to the decree in court.

The escape clause of the decree provides that the trade showing and block-of-five sales provisions shall become inoperative if, after June 1, 1942, any of the five consenting companies can show that a minimum of 25 features have been sold on terms other than those specified in the decree.

Doubt as to whether the final draft of the decree could be completed by tonight, as expected, was expressed by Government spokesmen yesterday after an all-day session of the drafting committee. The committee will resume its work today.

NTS Demonstrates New Type of Screen

National Theatre Supply Co. demonstrated a new Walker plastic molded screen at the 20th Century-Fox projection room yesterday. Observers noted a marked increase in light reflected which, in turn, caused sharper contrasts in black-and-white and truer, richer tones in color films.

The new screen has no seams and the surface is covered with an amorpho-crystalline pigment in plastic form. Perforations are arranged in uniform chevron waves. The demonstration took place with a screen composed half of the new plastic and half of the regular Walker white screen, and differences in tones and contrasts could be noted.

It is claimed that the pigment used has the highest reflective efficiency known in screen manufacturing. Perforations remain clear of dust and therefore do not affect sound transmission as the screen gets older, it was said, and peak efficiency can be maintained over twice as long as the regular Walker white screen.

Altec in Sound Deal On Veteran Hospitals

The Altec Service Corp. has been named by the United States Veterans' Administration to provide sound service and to supply both sound and booth parts for the projection equipment in the government's 91 veterans' hospitals, of which there is at least one in every state. The contract covers a period of 10 years. Col. J. B. Dexter represented the Veterans' Administration in the negotiations.

"I was impressed with the desire on the part of the officials of the Veterans' Administration to provide the men in the hospitals with a quality of entertainment comparable to the best and most modern theatres," L. W. Conrow, Altec president, declared.

COAST INDEPENDENTS OFFER PROGRAM REPLACING DECREE

(Continued from page 1)

approval of the Department of Justice.

Commercialized previews of features shall be considered first runs if such previews are presented to paying audiences or announced to the public by any medium whatsoever.

The exhibitor shall have the right to cancel, in addition to his 20 per cent unrestricted cancellation, any picture, exclusive of westerns and reissues, which does not have a first run in any recognized first run theatre in his exchange center.

In addition, the exhibitor shall have the right to exclude any feature which may be locally offensive on moral, religious or racial grounds, provided he gives the distributor written notice not later than 14 days after conclusion of its first exhibition in his exchange territory.

There shall be no discrimination by distributors as to the right to buy priority of runs, clearance, price, etc., in favor of a theatre in a given competitive area belonging to or affiliated with a distributor or producer, theatre circuit or booking combination to the detriment of a theatre in the same competitive area not so affiliated.

The P.C.C.I.T.O.'s communication to the Department of Justice termed the provisions of the pending consent decree "unworkable, disastrous and offering no relief to exhibitors." The principal objections were addressed to the block-of-five sales provision which, it was said, would "disturb the constant flow of product necessary for the operation of theatres," and to the proposed arbitration clause, which was described as "unfair and unworkable."

Myers Asked to Assemble Leaders on Suit Decree

(Continued from page 1)

aways. He predicted that because of conscription and economic pressures which may be imposed by the foreign situation exhibitors will not be able to afford to continue those practices and will be forced to return to show business.

Highlight of the afternoon session was the initial report of the Allied Information Department by its chairman, Sidney E. Samuelson, of Philadelphia, giving a recapitulation of the hundreds of survey cards filed by exhibitors in the 14 exchange centers thus far heard from.

Analysis showed that 37 per cent of the exhibitors cooperating in the buying poll have yet to sign contracts for the new season product. The total number of cards returned was not disclosed.

The percentage of each company's sales to the total number of contracts sold showed Columbia, 15 per cent; Metro, 11 per cent; Monogram, 2.5 per cent; Paramount, 8 per cent; Republic, 5 per cent; RKO, 17 per cent; 20th Century-Fox, 15 per cent; United Artists, 7.7 per cent; Universal, 11.3 per cent; and Warners, 7.5 per cent.

An analysis of prices paid for flat rentals and guarantees for the new season compared with last season was also given.

An analysis of the deals sold by each company will be made by the committee at tomorrow's meeting. In addition to Samuelson, the committee comprises Arthur Howard, Boston; Don R. Rossiter, Indianapolis; P. J. Wood, Columbus, and A. F. Myers, counsel.

Other order of business at the meeting was an attack on the price "juggling" for certain pictures, reports from the floor indicating that exhibitors who raised prices lost patronage on pictures played just before and after the raised box-office scale. Exhibitors declared they would not repeat the experience.

The meeting closed with a discussion on 16mm. films, a report on the subject being made by Rossiter. While non-theatricals present no immediate problem in New Jersey, it was planned to press for state legislation to make 16mm. screenings subject to the same regulations as applies to regular theatres in a move to forestall a possible situation.

In the evening, a night club party was arranged for delegates with Belle Baker heading the entertainment program.

Republic Closes Deal

Republic has closed with the Frank H. Durkee Circuit, operating 18 theatres in Maryland, for its 1940-'41 product. J. R. Grainger, Republic president, and Sam Flax, Washington franchise holder, represented Republic. Frank H. Durkee and Walter Pacy represented the circuit.

Films in Daylight Saving Fight

Hollywood, Sept. 26.—Six companies are producing one short subject each of less than a reel with name players in the theatres' fight against the daylight saving time proposal to be voted on in this state in November.

The films will be shown in every theatre in the state, it is planned by the California All Right Committee, headed by Arch M. Bowles of Fox West Coast. No rental will be charged. Warners, Paramount, Universal, RKO and M-G-M are making the films, 20th Century-Fox having completed one. Joan Davis and Roscoe Ates are featured.

'Wind' Ends B'way Run October 6

"Gone With the Wind" will wind up its two-a-day run at the Astor Oct. 6 after completing 42 weeks at the house, to make way for "The Great Dictator," which is scheduled to open there Oct. 15. The closing date for "Gone With the Wind" is still tentative, however, and the run may be extended several days in the event of a sudden business spurt.

The David O. Selznick film drew an estimated $8,000 in its 40th week.

At the Roxy, "Brigham Young" and a stage show headed by Barry Wood drew an estimated $39,000 for the week and was held over. "The Ramparts We Watch" with a stage show at the Music Hall was good for an estimated $80,000 but had to be withdrawn because of a booking for "Howards of Virginia," which opened there yesterday. "Pastor Hall" should do an estimated $14,000 in its first week at the Globe. The third week of "Boom Town" at the Capitol drew an estimated $29,000 and was held for two extra days to close tonight. "Strike Up the Band" opens at the Capitol tomorrow.

"City for Conquest," with Bobby Byrne's band on the stage will open at the Strand this morning. "No Time for Comedy," with Larry Clinton's band on the stage, grossed an estimated $29,000 for its third week there. "The Mummy's Hand" grossed an estimated $9,000 in eight days at the Rialto, and "Charlie Chan at the Wax Museum" will open there this morning.

"Long Voyage Home" will go into the Rivoli at a premiere on the evening of Oct. 8. "I Want a Divorce" will be the new attraction at the Paramount Wednesday.

Hollywood Players To 'Police' Opening

Seven Hollywood personalities will attend the premieres of the Cecil B. DeMille-Paramount feature, "North West Mounted Police," at Regina, Sask., and Chicago, next month.

DeMille, Gary Cooper, Madeleine Carroll, Paulette Goddard, Preston Foster, Robert Preston and Lynne Overman will appear at the opening at the Chicago Theatre, Chicago, Oct. 24. Miss Carroll, Foster and Overman will attend the Regina opening Oct. 21. Commissioner S. T. Wood of the Royal Canadian Mounted Police and various Canadian officials also will attend there. Proceeds of this showing will go to the police organization for supplies for Canadian overseas forces.

Republic Closes for First Shorts Series

HOLLYWOOD, Sept. 26.—The first short subject deal in the history of Republic was closed today. M. J. Siegel, president of Republic Productions, signed Harriet Parsons to produce, direct and write a series of 12 one-reel subjects under the general title, "Hollywood Highlights." They will use Hollywood personalities.

Phila. Club to Open

PHILADELPHIA, Sept. 26.—The Showmen's Club will open for the Fall season on Oct. 15.

OUT TODAY

MARTIN QUIGLEY

25th

ANNIVERSARY EDITION

of

MOTION PICTURE HERALD

QP

RECORDING A GREAT INDUSTRY'S
QUARTER CENTURY OF PROGRESS

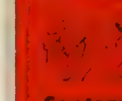
WATCH FOR YOUR COPY

MOTION PICTURE DAILY'S BOOKING CHART

ates Are Based on National Release Schedules and Are Subject to Change. This Chart Is Revised Weekly. Letters in Parentheses After itles Denote the Following: (D) Drama, (M) Musical, (C) Comedy, (O) Outdoor Action. Production Numbers Follow Titles.

	COLUMBIA	M-G-M	MONOGRAM	PARA.	REPUBLIC	RKO RADIO	20TH-FOX	U. A.	UNIVERSAL	WARNERS
Aug. 30	Five Little Peppers in Trouble (D) *Edith Fellows*	Boom Town (D) 48 *Clark Gable* *Spencer Tracy*	Who Is Guilty? (D) *Ben Lyons* *Barbara Blair*		Earl of Puddlestone (C) 924 *The Gleasons*	Lucky Partners (D) 038 *Ginger Rogers* *Ronald Colman*	Young People (D) 109 *Shirley Temple* *Jack Oakie*	Kit Carson (O) *Lynn Bari* *Jon Hall*		Sea Hawk (D) 401 *Errol Flynn* *Brenda Marshall*
Sept. 6	Fugitive From a Prison Camp (D) *Jack Holt* *Marion Marsh*	Dr. Kildare Goes Home (D) 101 *Lew Ayres* *L. Barrymore*	Up in the Air (D) 3914 *Frankie Darro*	Rhythm on the River (M) 4001 *Bing Crosby* *Mary Martin*	Ride, Tenderfoot, Ride (O) 043 *Gene Autry* *Smiley Burnett*	Men Against the Sky (D) 101 *Richard Dix*	Chan at Wax Museum (D) 110 *Sidney Toler*		Argentine Nights (M) 50-13 *Ritz Brothers* *Andrew Sisters*	Calling All Husbands (C) *George Tobias* *Ernest Truex*
Sept. 13	Before I Hang (D) *Boris Karloff* *Evelyn Keyes*	Wyoming (D) 102 *Wallace Beery* *Leo Carrillo*	The Ape (D) 4001 *Boris Karloff*		Girl from Havana (D) 017 *O'Keefe-Carleton*	Dreaming Out Loud (C) 102 Wagon Train (O) 181	Elsa Maxwell's Public Deb. No. 1 (C) 105	The Great Dictator (C) *Charles Chaplin*	Hired Wife (C) 50-06 Leather Pushers (D) 50-51	No Time for Comedy (C) *Stewart-Russell-Ruggles*
Sept. 20	Howards of Virginia (D) *Cary Grant* *Martha Scott*	Haunted Honeymoon (D) 104 *R. Montgomery*		I Want A Divorce (D) 4002 *Joan Blondell* *Dick Powell*	Colorado (O) 051 *Rogers-Hayes*	I'm Still Alive (D) 103 *Kent Taylor* *Linda Hayes*	Yesterday's Heroes (D) 116 *Sterling-Rogers*	The Westerner (O) *Gary Cooper* *Walter Brennan*	Mummy's Hand (D) Ragtime Cowboy Joe (O) The Fugitive (D)	City for Conquest (D) *James Cagney* *Ann Sheridan*
Sept. 27	Angels Over Broadway (D) *D. Fairbanks, Jr.* Glamour for Sale (D)	Strike Up The Band (M) 103 Sky Murder (D) 105	That Gang of Mine (D) *Gorcey-Jordon*	Rangers of Fortune (O) 4003 *MacMurray* *P. Morrison*	Under Texas Skies (O) 062 *3 Mesquiteers*	Triple Justice (O) 086	Brigham Young (D) 107 *Tyrone Power* *Linda Darnell*	Thief of Bagdad (D) *Conrad Veidt* *Sabu*	Spring Parade (M) *Deanna Durbin* *Robert Cummings*	
Oct. 4	So You Won't Talk (C) *Joe E. Brown* *F. Robinson*	Dulcy (C) 106 *Ann Sothern* *Ian Hunter*	Drums of the Desert (D) *Ralph Byrd*	The Quarterback (C) *Wayne Morris* *Virginia Dale*	Frontier Vengeance (O) 072 *Don "Red" Barry*	The Villain Still Pursued Her (C) 105 *Herbert-Louise*	Gay Caballero 108 *Cesar Romero* *Robert Sterling*		Diamond Frontier (D) *McLaglen-Nagel*	Knute Rockne-All American (D) *O'Brien-Page*
Oct. 11		Third Finger Left Hand (C) *Myrna Loy* *Melvyn Douglas*	Old Swimmin' Hole (D) 4010 *Moran-Jones*	Cherokee Strip (O) *Richard Dix* *Florence Rice*	Melody and Moonlight (M) 005 *Johnny Downs*	Too Many Girls (M) 106 *Ball-Carlson*	The Great Profile (C) 111 *John Barrymore*		Tropical Sinners (D) *Dietrich-Wayne*	Father Is a Prince (C) *Grant Mitchell* *Nana Bryant*
Oct. 18	Nobody's Children (D) *Edith Fellows* *Billy Lee*	Escape (D) 108 *Norma Shearer* *Robert Taylor*	You're Out of Luck (D) *Frankie Darro*	Moon Over Burma (D) *Dorothy Lamour* *Robert Preston*	Hit Parade of 1941 (M) 001 *Kenny Baker* *Frances Langford*	Laddie (O) 107 *Tim Holt* *V. Gilmore*	Night Train (D) 114 *M. Lockwood* *Rex Harrison*		Slightly Tempted (C) 50-24 *Hugh Herbert*	Dispatch from Reuters (D) *Ed. G. Robinson* *Edna Best*
Oct. 25	West of Abilene (O) Girls Under 21 (D)	Hullabaloo (C) *Frank Morgan* *Billie Burke*	Parson of Devil's Gap (O) Sign of the Wolf (D)	Christmas in July (C) *Dick Powell* *Ellen Drew*	Young Bill Hickok (O) 052 *Roy Rogers*	You'll Find Out (M) 108 *Kay Kyser and Orchestra*	Down Argentine Way (M) 113 *Don Ameche* *Betty Grable*		A Little Bit of Heaven (M) *Gloria Jean* *Robert Stack*	Tugboat Annie Sails Again (D) *M. Rambeau* *Alan Hale*
Nov. 1	Blondie Plays Cupid (C) *Penny Singleton* *Arthur Lake*			Dancing on a Dime (C) *Grace McDonald* *Robert Paige*	Who Killed Aunt Maggie (D) *John Hubbard* *Wendy Barrie*	Li'l Abner (C) 109			I'm Nobody's Sweetheart (D) Island of Black Gold (D) 50-52	Lady With Red Hair (D) *Miriam Hopkins* *Richard Ainley*
Nov. 8				Arise My Love (D) *Claudette Colbert* *Ray Milland*	Friendly Neighbors (M) *Weaver Bros. and Elviry*	Little Men (D) *Kay Francis* *Jack Oakie*	Mark of Zorro (D) 117 *Tyrone Power* *Linda Darnell*	Son of Monte Cristo (D) *Joan Bennett* *Louis Hayward*	Fireman Save My Child (C) *Baby Sandy* *Stuart Erwin*	Always a Bride (C) *Rosemary Lane*
Nov. 15	Beyond the Sacramento (O) Lone Wolf Keeps a Date (D)			Three Men from Texas (O) *William Boyd* *Russell Hayden*	Trail Blazers (O) *3 Mesquiteers* Meet the Missus (C)	Remedy for Riches (D) *Jean Hersholt*	Street of Memories (D) 102 *Lynne Roberts*		Caribbean Holiday (M) *Nancy Kelly* *Alan Jones*	South of Suez (D) *George Brent* *Brenda Marshall*

PARAMOUNT SHORTS
Are Long on Box Office!



September 13
Headliner
(Technicolor)
'MOMENTS OF CHARM OF 1941'

September 20
Animated Antics
Cartoon
'THE DANDY LION'

September 20
Popeye
the Sailor
'POPEYE MEETS WILLIAM TELL'

September 27
(Color)
'UNUSUAL OCCUPATIONS
No. 1'

100%
BOX OFFICE
TESTED

'Foreign' Is Frisco Lead With $11,000

SAN FRANCISCO, Sept. 26.—"Foreign Correspondent" drew $11,000 at the United Artists, and "Boom Town" took $13,800 in the third week at the Warfield. The weather was good.

Estimated takings for the week ending Sept. 17-20:

"Lucky Partners" (RKO)
GOLDEN GATE—(2,850) (40c-50c-55c) 7 days, 2nd week. Stage: vaudeville. Gross: $11,000. (Average, $15,000)
"Leather Pushers" (Univ.)
"Argentine Nights" (Univ.)
ORPHEUM — (2,440) (15c-35c-40c-50c) 7 days. Gross: $7,000. (Average, $8,000)
"Wyoming" (M-G-M)
"Dr. Kildare Goes Home" (M-G-M)
FOX—(5,000) (15c-35c-40c-50c) 7 days. Gross: $15,500. (Average, $16,000)
"I Want a Divorce" (Para.)
"River's End" (W. B.)
PARAMOUNT—(2,740) (15c-35c-40c-50c) 7 days. Gross: $10,500. (Average, $11,500)
"Foreign Correspondent" (U. A.)
UNITED ARTISTS—(1,200) (15c-35c-40c-55c) 7 days. Gross: $11,000. (Average, $8,000)
"The Sea Hawk" (W. B.)
ST. FRANCIS—(1,400) (15c-35c-40c-50c) 7 days, 3rd week. Gross: $5,700. (Average, $6,000)
"Boom Town" (M-G-M)
WARFIELD—(2,680) (15c-35c-40c-50c) 7 days, 3rd week. Gross: $13,800. (Average, $12,000)
"The Baker's Wife" (Foreign)
CLAY—(400) (15c-39c-44c-55c) 7 days, 13th week. Gross: $1,000. (Average, $1,000)

'Town' at $27,000 Clevland Smash

CLEVELAND, Sept. 26. — "Boom Town" brought boom business to Loew's State last week with a $27,000 at slightly increased prices.

Estimated takings for the week ending Sept. 19:

"You're Not So Tough" (Univ.)
ALLEN—(3,000) (33c-39c-47c) 7 days. Gross: $2,500. (Average, $4,000)
"Sea Hawk" (W. B.)
WARNERS' HIPPODROME — (3,800) (33c-39c-47c) 7 days, 2nd week. Gross: $10,000. (Average, $11,000)
"Public Deb No. 1" (20th-Fox)
RKO PALACE—(3,100) (33c-47c-55c) Stanley Fields and Will Osborne's orchestra on stage, 7 days. Gross: $10,500. (Average, $13,500)
"Boom Town" (M-G-M)
LOEW'S STATE—(3,500) (40c-44c-60c) 7 days. Gross: $27,000. (Average, at 33c-39c-47c, $11,000)
"Coming Round the Mountain" (Para.)
LOEW'S STILLMAN—(1,900) (33c-39c-47c) 7 days. Gross: $2,500. (Average, $2,500)

'Partners' Scores $8,700 in Montreal

MONTREAL, Sept. 26.—"Lucky Partners" took $8,700 at the Palace in a slow week, accompanied by rain and a warm wave.

Estimated takings for the week ending Sept. 20:

"They Drive By Night" (W. B.)
"Calling All Husbands" (W. B.)
CAPITOL—(2,547) (25c-40c-55c-65c) 7 days. Gross: $7,500. (Average, $8,000)
"Foreign Correspondent" (U. A.)
LOEW'S—(2,800) (30c-40c-60c) 7 days, 3rd week. Gross: $5,000. (Average, $8,000)
"When the Daltons Rode" (Univ.)
"Scatterbrain" (Rep.)
ORPHEUM—(919) (25c-35c-50c) 7 days. Gross: $3,000. (Average, $5,000)
"Lucky Partners" (RKO)
PALACE—(2,600) (25c-40c-55c-65c) 7 days. Gross: $8.700. (Average, $9,000)
"Love, Life and Laughter" (Univ.)
"Carolina Moon" (Rep.)
PRINCESS — (2.272) (25c-35c-50c-65c) 7 days. Gross: $3,500. (Average, $5,000)

Feature Reviews

"Young Bill Hickok"

(Republic)

Roy Rogers portrays the title role in another fictional episode in the life of Bill Hickok, famous Western figure, whose daring exploits caused him to be called "Wild Bill."

George "Gabby" Hayes, Jacqueline Wells, John Miljan and Sally Payne are featured, while additional support is given by Archie Twitchell, Monte Blue, Hal Taliaferro, Ethel Wales, Jack Ingram and Monte Montague.

As the result of expert direction, excellent photography, a good story and the work of a capable cast, this is a Western of high caliber. That it will please Western audiences is virtually assured. The tale takes place in California during the Civil War. Agents of foreign countries, seeking to gain control of the rich Western territory, disrupt communication lines and force inhabitants to return to the East.

Their plans are thwarted, however, by Hickok and his associates. In attempting to seize a huge shipment of gold, the agents and guerillas in their employ are finally captured. Numerous gun battles and chases are staged especially well.

Joseph Kane acted as associate producer and director while William Nobles was at the camera. Norman S. Parker and Olive Cooper wrote the original screenplay.

Running time, 59 minutes. "G."*

"Out West With the Peppers"

(Columbia)

This is similar to the preceding Pepper stories and enacted by virtually the same cast. Edith Fellows is in the lead, supported by Dorothy Peterson, Dorothy Anne Steese, Charles Peck, Tommy Bond, Bobby Larson, Victor Kilian, Helen Brown and Emery Parnell.

The story, originally a book by Margaret Sidney and adapted by Harry Rebuas, is for the most part light, but with a melodramatic climax. Charles Barton directed.

Because of their mother's illness, the Peppers are forced to return from Europe and move to a boarding house in the West owned by relatives. From thereon, the story concerns the manner in which the family befriends others at the house, with the exception of an uncle, disgruntled by their presence. During a picnic three of the youngsters are endangered when a raft on which they are playing breaks loose. The uncle rescues them and all ends well.

The youngest member of the group, Dorothy Steese, prominent throughout, gives the film a refreshing touch.

Running time, 62 minutes. "G."*

**"G" denotes general classification.*

"The Living Corpse"

(Juno Films)

The famed drama by Leo Tolstoy here is brought to the screen in a French production by Les Productions Alliance in Paris, under the direction of Marcel L'Herbier, who, with T. H. Robert, adapted the work for the screen in this instance.

Victor Francen, notable French stage and screen actor, plays the role of the prosecuting attorney, who finds himself unexpectedly in the position of a man he has just succeeded in convicting for murder following his wife's duplicity. In able support are Gaby Morlay, as the prosecutor's wife, and Georges Rigaud, as the assistant who covets his superior's post, and makes every effort to bring about disaster for him and his wife.

The picture, by reason chiefly of the superb performance of Francen, in particular, is a fine and moving screen drama. There are, however, rather too few subtitle translations of the French dialogue.

The film ranks with the better productions to come from the French studios, and should find an appreciative audience in those metropolitan houses which cater to patrons with an interest in importations of value.

Running time, 82 minutes. "A."* CHARLES S. AARONSON

**"A" denotes adult classification.*

Authors Sue 20th-Fox

Izola Forrester and Mann Page have filed a plagiarism suit against 20th Century-Fox in N. Y. Supreme Court. They claim the Shirley Temple picture, "The Poor Little Rich Girl," infringed their story, "Joyous."

Heads Warner Club

PITTSBURGH, Sept. 26.—James Totman, assistant publicity director for Warner Theatres here, has been elected president of the local Warner Club.

'Breakfast' Is Los Angeles' High, $22,000

LOS ANGELES, Sept. 26. — "He Stayed for Breakfast" and "Dr. Christian Meets the Women" drew a total of $22,000 at two theatres in a generally dull week, with $10,000 at the Hillstreet and $12,000 at the Pantages.

Estimated takings for the week ending Sept. 25:

"Kit Carson" (U. A.)
"The Golden Fleecing" (M-G-M)
CHINESE — (2,500) (33c-44c-55c-75c) 7 days. Gross: $7,600. (Average, $12,500.)
"Pride and Prejudice" (M-G-M)
4 STAR—(900) (44c-55c) 7 days. 6th week. Gross: $2,200. (Average $3,250.)
"He Stayed for Breakfast" (Col.)
"Dr. Christian Meets the Women" (RKO)
HILLSTREET — (2,700) (33c-44c-55c-75c) 7 days. Gross: $10,000. (Average, $6,500.)
"Kit Carson" (U. A.)
"The Golden Fleecing" (M-G-M)
LOEW'S STATE—(2,500) (33c-44c-55c-75c) 7 days. Gross: $11,100. (Average, $14,000.)
"He Stayed for Breakfast" (Col.)
"Dr. Christian Meets the Women" (RKO)
PANTAGES—(3,000) (33c-44c-55c-75c) 7 days. Gross: $12,000. (Average, $7,000.)
"I Want a Divorce" (Para.)
"Argentine Nights" (Univ.)
PARAMOUNT—(3,595) (33c-44c-55c-75c) 7 days. Stage: The Merry Macs, Claude Sweeten & orchestra. Gross: $14,000. (Average, $18,000.)
"No Time for Comedy" (W. B.)
"Service with the Colors" (W. B.)
WARNER BROS. (Hollywood)—(3,000) (33c-44c-55c-75c) 7 days. Gross: $12,000. (Average, $14,000.)
"No Time for Comedy" (W. B.)
"Service with the Colors" (W. B.)
WARNER BROS. (Downtown)—(3,400) (33c-44c-55c-75c) 7 days. Gross: $11,000 (Average, $12,000.)

Rooney and 'Kildare' $37,000, Pittsburgh

PITTSBURGH, Sept. 26. — Mickey Rooney's appearance at the Stanley, with "Dr. Kildare Goes Home," lifted the house to a new record, $37,000 Loew's Penn also hit a new high for a holdover, $19,000 on the second week of "Boom Town."

Estimated takings for the week ending Sept. 19:

"He Stayed for Breakfast" (Col.)
ALVIN—(1,800) (28c-39c-55c) 7 days. Gross: $10,600. (Average, $7,000)
"Charlie Chan at the Wax Museum" (20th-Fox)
"The Girl from Avenue A" (20th-Fox)
FULTON—(1,700) (28c-44c) 7 days. Gross: $5,200. (Average, $4,500)
"Boom Town" (M-G-M)
LOEW'S PENN—(3,400) (31c-40c-59c) 7 days, 2nd week. Gross: $19,000. (Average, $13,000)
"The Sea Hawk" (W. B.)
RITZ—(800) (29c-40c-59c) 7 days, 3rd week. Gross: $3,200. (Average, $4,000)
"Dr. Kildare Goes Home" (M-G-M)
STANLEY—(3,600) (28c-40c-60c). On stage: Mickey Rooney, Judy Starr, Four Lazanders, Robertson and Martin, Jack Beekman, Max Adkins orchestra. Gross: $37,000. (Average with stage show, $18,000, without stage show, $13,000)
"Gold Rush Maisie" (M-G-M)
"Over the Moon"
WARNER—(2,000) (28c-44c) 7 days. Gross: $5,200. (Average, $5,000)

4 Companies Formed

ALBANY, Sept. 26.—The following companies have been chartered here recently: Slotnick Enterprises, Inc., Syracuse, by Samuel P. Slotnick, Tillie Slotnick and Morris P. Slotnick; Rapid Film Technique, Inc., New York, by Emanuel Frenkel, Maurie Garten and Maurice Frenkel; d'Andelot Productions, Inc., New York, by Louisa d'A. Carpenter, John Hickey and Mili Monti, and Crystal Pictures, Inc., New York, by Melvin M. Hirsch, Harvey Pergament and Gertrude Horn.

Ascap Sees Radio Fight Settled Soon

(*Continued from page* 1)

and this will be followed by a meeting among the musicians themselves.

Paine urged the bandleaders not to take sides and to be guided by their own best interests. Paine said he based his assertion of a settlement on the number of contracts already received and information on hand about the feelings of agency executives.

An open discussion which followed indicated that band leaders were resentful of being "placed in the middle," as many expressed it.

Among the orchestra leaders present were: Isham Jones, Josef Bonime, Meyer Davis, Nat Shilkret, Benny Goodman, Leo Reisman, Sleepy Hall, Eddie LeBaron, Stuff Smith, Paul Tisen, Eddie Varzos, Johnny Johnson, Johnny Long, Eddy Duchin, King Johnson, Jack Denny, Zinn Arthur, Arthur Ravel, Van Alexander, Mike Riley, Glen Garr, Barry Winton, Ray Heatherton, Mitchell Ayres, Gus Steck, Gray Gordon, Cecil Golly, Bobby Day, Al Kavelin, Roy Kinney, Ben Cutler, Lang Thompson, Pancho, Tony Pastor, Russ Morgan, Arnold Johnson and Ted Fiorito.

Managers and representatives included Harold Oxley, Paul Specht, Ben Zucker, H. W. Leavy, Herbert Crosby, Charlie Carr, Bill Savitt, Lou Sherwood, Gerald Gaudette, John Gluskin, John O'Connor, Eddie Brandt, Hyman Bushel, Bert Gervis, Charlie Weintraub, Bernie Miller, Joe Glaser, Charles Miller, John R. Andrew, Tommy Morton, Eddie Lowth, Ed Kirkeby, Mike Vallon, Aaron Goldmark, Laszo Bartal, Thomas G. Rockwell, William Frederick, F. C. O'Keefe, Gordon & Williamson, Ed Fishman, Jimmy Peppe, Arthur Michaud, Sidney Mills.

Also present were Bob Miller of Professional Music Men, Inc., and Herman Greenberg, assistant general manager, and A. P. Waxman, advertising counsel of ASCAP.

Sues on 'Ninotchka'

M-G-M Pictures Corp., M-G-M Distributing Corp. and Loew's, Inc., have been named defendants in a suit for an injunction, accounting and damages filed by Stephen Tamas in the N. Y. Supreme Court. Suit charges the defendants with infringing the plaintiff's dramatic work, "Moscow, Paris and Return," in the M-G-M film, "Ninotchka."

20th-Fox Sued on Song

Suit for $250,000 damages has been filed in the N. Y. Supreme Court by Bryon Gay against 20th Century-Fox, Robbins Music Corp., and Leo Feist, Inc. Complaint alleges that the defendants infringed the plaintiff's song, "The Vamp," in the film "Rose of Washington Square."

Robinson to Convention

Edward G. Robinson leaves here tonight for the convention of the American Druggists Association in White Sulphur Springs, W. Va., at which he will be guest of honor. His latest film, "A Dispatch from Reuters," will be previewed there.

Off the Antenna

NBC plans a series of broadcasts to describe activities of men conscripted into Army service. It will be designed for the benefit of their families and to promote national defense, Niles Trammel, president, disclosed yesterday. Announcers, engineers and production men will be sent on a tour of the 13 training centers for special programs in addition to others now on the air or under consideration.

Tramell pointed out that "Wings Over America" is describing the aviation program, "National Farm and Home Hour" is devoting a series on the relationship of agriculture to defense, "I'm an American" promotes naturalization, a series of recruiting programs for the Army is in progress, and "This, Our America" describes the nation's resources and the part they play in defense. Radio, said Trammell, enjoys freedom in this democracy and is willing to fulfill its democratic task by preserving that form of government here.

• • •

Purely Personal: *Reinald Werrenrath, Jr., NBC television engineer, will leave today to join the Balaban & Katz station in Chicago where he will be general assistant to William Eddy, who also left NBC recently to become general manager for B. & K. . . . N. E. Kersta, NBC assistant to the television coordinator, and Jack Hartley of the special events division leave today for one month's training in the Navy. Both are reserve officers. . . . Ed Fitzgerald, WOR commentator, will teach a course in radio writing at the University of Newark this Fall. . . . David O. Alber, New York publicity man, and Irving Parker of Hollywood have merged their offices. . . . Kenny Baker will arrive from the Coast today.*

• • •

Luther J. Reed, publicity director for WABC, resigned yesterday. He will enter another phase of the publicity field but will not announce his plans for several days. Reed joined CBS as assistant news editor four years ago, later becoming news editor.

• • •

Program News: *The World Series broadcasts will be short-waved to Latin America by General Electric. . . . "Silver Theatre" starts its third year on CBS Sunday, Oct. 6, at 6 P.M. . . . When Mutual's "Show of the Week" resumes Sunday at 6:30 P.M. it will have sponsors in 26 cities and will be heard as a sustainer on the rest of the network. . . . WMCA will broadcast Columbia University football games exclusively starting Saturday, Oct. 5, at 1:45 P.M.*

• • •

Exports of American radios totaled $1,498,310 in July, a decrease of 11.2 per cent from July, 1939. Receiving sets exported were valued at $670,169 and transmitting apparatus $266,919. The figures are from a bulletin of the Radio Manufacturers Association.

Agent Seeks to End Scranton Union Split

SCRANTON, Pa., Sept. 26.—John F. Kosik, field representative of CIO in the Scranton area, has been named administrator of the CIO United Theatrical Workers Local 997 with the power to revoke the charter, if in his opinion this should be done. Kosik's appointment is expected to end the 14-months old jurisdictional dispute between the CIO and AFL operators here.

Recently the dispute resulted in picketing of two local theatres, the Bulls Head and Taylor by the AFL, and Comerford Theatres by the CIO, with the court granting injunctions restraining both locals from picketing.

Newark Theatre Reopens

The Adams, Newark, has reopened with a vaudeville and film policy.

Shea's Buffalo Will Disband Orchestra

BUFFALO, Sept. 26. — The Shea's Buffalo orchestra, playing here 14 years, is soon to be disbanded. Its 21 members have received dismissal notices.

Vincent R. McFaul, general manager of the Shea circuit, was in New York discussing the fate of the group with Paramount, a partner in the Shea Theatres. The Buffalo orchestra, organized in 1926 when the Buffalo was built, has been considered one of the finest theatre orchestras in the country.

Takes Manhattan House

Omnia Amusement Corp. acquired a long term lease on the theatre located at 1499 First Ave., Manhattan, known formerly as the Europe, and will open it shortly for foreign films.

First Run Circuit Planned for Mexico

MEXICO CITY, Sept. 26.—A de luxe theatre circuit is in the offing here. It is to be headed by the select Cine Teatro Alameda, one of the leading first run theatres, and will start with the reconditioned Cine Buccareli, an old house that is being renovated along modern lines, and a theatre that is nearing completion in the Puente de Alvarado residential section. Plans call for this circuit to eventually comprise six first class houses.

Stage shows have been almost entirely dropped by local houses, because of poor response and heavy expense. The last local theatre to take this action was the Alameda, which was built specially for such spectacles, being equipped with Mexico's only revolving stage.

Only when there is a sure-fire box office celebrity available or as a special attraction during national holidays do the exhibitors go in for stage entertainment.

Finch Seeks High Frequency License

WASHINGTON, Sept. 26.—Application for a construction permit for a new high frequency broadcasting station in New York, to operate on 44,700 kilocycles to cover 4,400 square miles with a population of 10,600,000 people, was filed with the Federal Communications Commission today by William G. H. Finch.

Other applications filed with t[illegible] commission included the resubmission by the Contra Costa Broadcasting Company of its petition for a construction permit for a new 1,170-kilocycle, 500-watt limited time station at Richmond, Cal., and a request by Station WCBD, Chicago, that its application for change of frequency from 1,080 to 830 kilocycles be amended to provide that the new frequency be 820 kilocycles and day power be increased from 5,000 to 10,000 watts.

The commission announced that, unless a pending motion for continuance is granted, it will hold a hearing September 30 on the application of George F. Meyer for a new 1,500-kilocycle, 100-watt station at Medford, Wis.

R. C. Patterson Heads Film Refugee Group

Richard C. Patterson, chairman of the board of RKO, has been appointed chairman of the motion picture division to help solicit funds for the United States Committee for the Care of European Children. John Golden will head the legitimate theatre division of the campaign.

Name Club Committee

PHILADELPHIA, Sept. 26.—David E. Weshner, Sidney Samuelson, Jay Emanuel, Jim Clark, Hilleary Brown, and Charles Goldfine were appointed to the paralysis fund committee of the Philadelphia Variety Club and plans are being made for a visit to the pool where the infantile paralysis victims are getting treatment. Goldfine was appointed chairman of the club's committee which assigns use of the charity truck for showing films to institutions.

Drive-In Case Delayed

PITTSBURGH, Sept. 26.—The injunction case brought against the Drive-In Theatre by 85 neighboring residents, based on a claim that the screen speaker created excessive noise, has been indefinitely continued. Norbert Stern and George Davis agreed to lower the pitch of their amplifiers, and to install a system of ground speakers if they reopen the theatre next Spring, after this year's Nov. 18 closing.

Delay Receiver Hearing

Argument on the motion of Harry Silverstein, stockholder of French Cinema Center, Inc., and French Films Import Co., Inc., against Andre R. Heymann, head of the companies, asking for a receiver for both companies, has been postponed until next week.

Open Local House Soon

The Art, 600-seat house, will be opened shortly at Eighth St. and University Place, Manhattan, by Henry Weingarten. French films will be shown.

DO NOT REMOVE

Alert,
Intelligent
and
Indispensable
to the Motion
Picture
Industry

MOTION PICTURE DAILY

First in
Film and
Radio News
Brief,
Accurate
and
Impartial

VOL. 48. NO. 64 NEW YORK, U. S. A., MONDAY, SEPTEMBER 30, 1940 TEN CENTS

Hanbury, RKO English Head, Killed by Bomb

Four Others of Family Nazi Raid Victims

By AUBREY FLANAGAN

Ralph Hanbury

LONDON, Sept. 29.—Ralph Hanbury, chairman and managing director of RKO Radio Pictures, Ltd., operating head of RKO's sales organization in the United Kingdom, was killed with four members of his family in the early hours of Friday morning, when a Nazi bomber made a direct hit on the Hanbury country home near London. He was 49 years old.

Hope was held today for the recovery of Mrs. Hanbury, who was seriously injured in the explosion.

Hanbury was the first victim of the Nazi air raiders among important film men in this country.

Hanbury had one son, Ralph Hanbury, Jr., and two married daugh-

(*Continued on page 2*)

Japan May Ban All U. S. Films

American films, which have found the going difficult in Japan for many months, may be banned there entirely in the near future as a result of the signing by Japan of its 10-year treaty with Germany and Italy, foreign department officials here stated over the weekend.

The treaty with the axis powers covers economic as well as military and political considerations. A Japanese ban on further American film imports undoubtedly would apply to all of Japanese occupied China, as well, just as the German ban invoked this month applied to occupied territory on the Continent.

UA Will Show 'Dictator' in 2 Theatres in Key Cities

United Artists plans to present "The Great Dictator," the new Charlie Chaplin film, at two theatres simultaneously in the more important key cities, on the same basis as the picture will be presented in New York, Maurice Silverstone, chief executive of the company, announced Saturday.

Harry L. Gold, vice-president in charge of eastern and southern sales, is presently negotiating for such twin showings in several Eastern cities, while L. J. Schlaifer, vice-president in charge of Western sales, is in Chicago negotiating for such showings in that city with Balaban & Katz.

Among other cities where the plan may be put into execution are Boston, Philadelphia, Atlanta, Cincinnati, Buffalo, Cleveland, Los Angeles and San Francisco.

The policy provides for the presentation of the picture in one theatre on a two-a-day basis at $2.20 top, and at the second theatre on a continuous policy at 75 cents top matinees and $1.10 evenings.

In New York, the demand for tickets for the premiere to be held Oct. 15 at the Astor and the Capitol theatres, by Loew's, is so strong that a special press performance of the film is being contemplated in advance of the opening night performances.

3,230 Firms Had 1938 Taxable Net

WASHINGTON, Sept. 29.—Only 3,230 out of 10,353 amusement industry corporations reported taxable net income from 1938 operations, it was reported tonight by the Internal Revenue Bureau in an analysis of income returns filed last year.

These 3,230 concerns, the report showed, had an aggregate gross income of $797,709,000 and a net income of $80,734,000, on which they paid

(*Continued on page 7*)

400 Anticipated at Quigley Luncheon

More than 400 persons, including many of the industry's leading executives, will attend the Ampa luncheon on Wednesday honoring Martin Quigley on his 25th anniversary as a film trade paper publisher. The luncheon will be held in the grand ballroom of the Hotel Edison. Leon Bamberger, Ampa president, will preside.

Already 21 table reservations from major companies have been received,

(*Continued on page 8*)

Myers Endorses U. S. Decree; Companies Get Legal Draft

Formal legal drafts of the proposed Federal consent decree were reported as completed on Saturday by the drafting committee of Government and company attorneys and distributed to the home offices of the five consenting companies.

After checking the language of the draft, attorneys for the consenting companies will meet with Government representatives again tomorrow to dispose of any questions which may arise in the checking process and then give preliminary confirmation to the draft. Not until then will copies of the final draft be sent to Washington for action there, according to Department of Justice spokesmen.

Action by Washington is expected in time to present the draft to Federal Judge Henry W. Goddard at the hearing scheduled for a week from today. However, it was intimated by Govern-

(*Continued on page 7*)

Abram F. Myers

ATLANTIC CITY, Sept. 29.—Abram F. Myers, Allied States general counsel, personally endorsed the proposed Federal consent decree settling the New York anti-trust suit, in an address at the final session of the New Jersey Allied convention here.

Myers' endorsement, given Friday afternoon, was the first indication of the position of Allied leaders. Stressing that his approval was entirely personal and that Allied's support of the decree depends on the national

(*Continued on page 7*)

Industry Needs Exhibitor Aid, Says Rodgers

Should Help on Revenue, He Tells N. J. Allied

William F. Rodgers

ATLANTIC CITY, Sept. 29.—William F. Rodgers, M-G-M general sales manager, declared at the New Jersey Allied convention here Friday that unless new avenues of revenue are discovered and increased admissions on certain films are a tried and tested revenue producer, exhibitors must face either a general increase in rentals or a lowering of product quality.

Declaring that the present and future of the industry is at stake, Rodgers said: "Exhibitors must cooperate and not fight the distributor. You can't expect the same values from us or any other producers without our making an effort to offset

(*Continued on page 7*)

Expect British Quota Relief

London, Sept. 29.—The British Government is expected soon to give relief or exemption to American distributors on the Quota Act due to the war.

American companies consider it impossible to make and market multiple quota films here and believe they have a good case for exemption from the quota obligations. The increasing commandeering of studios by the Government and the difficulty of obtaining stars and major technicians may persuade the Government of the fairness of the distributors' case, according to belief. Meanwhile, Paramount, Warners, RKO and 20th Century-Fox have films in production.

Personal Mention

HERMAN WOBBER, 20th Century-Fox general sales manager, and M. A. Levy, Kent drive leader, have completed a swing around the country on the drive and will hold a meeting today at the New York exchange.

•

Leon Netter, Paramount Theatres executive, left by air Friday night for New Orleans and Beaumont, Texas.

•

Frank L. Newman, Seattle division manager for National Theatres, is here.

•

William C. Gehring, Central division manager for 20th Century-Fox, has returned from a trip to Detroit and Toronto branches.

•

Roy T. Haines, Warners' Eastern and Canadian sales manager, returns today after a week's tour of Eastern branches.

•

Stanton Griffis is expected from Bermuda tomorrow after a brief vacation.

•

Francis A. Bateman, Republic's Los Angeles branch manager, returned to his headquarters from the home office over the weekend.

•

Lew Schreiber, 20th Century-Fox casting director, is visiting here from Hollywood.

•

Irving Mandel, Republic franchise owner in Chicago, is in town.

•

Reginald March, branch manager for 20th Century-Fox in St. John, was in Boston over the weekend.

•

Alejandro Sux, South American film writer and director of Empire Prods., Mexico City, is in town.

•

Morris Druker, assistant manager at the Poli, Worcester, Mass., is confined to his home with injuries sustained when he fell from a horse.

•

George Raft is coming East for the World Series.

Five Higher Scale Dates for 'Police'

Five new key city engagements have been set for "North West Mounted Police," according to Neil F. Agnew, Paramount vice-president in charge of sales. Following the premiere at Regina, Canada, on Oct. 21, and the American premiere in Chicago, Oct. 24, the film will be shown at advanced prices at the Strand, Providence; Paramount, Seattle; Denham, Denver; Center, Salt Lake City, and Fox, Spokane.

De Rochemont Promoted

Louis de Rochemont, producer of the March of Time, has appointed his brother, Richard de Rochemont, as managing editor. The latter represented Movietone News in Europe for six years and in 1935 became director of Time, Inc., activities in Europe. He returned to this country when the Germans occupied France.

Museum Gets 20-Year Pathe Reels

THE Museum of Modern Art Film Library was presented with 20 years of newsreel files from the Pathe News library last Friday by George J. Schaefer, RKO president and chairman of the board of Pathe News.

The files donated to the Museum of Modern Art were those covering the years from 1910 through 1930. Each year hereafter, Pathe News will turn over to the Museum its film history for the year 10 years preceding the time of the donation. Thus, next year it will turn over its files for 1931.

"Students of history and laymen, alike, will find these film records ready to turn back the endless diary of Time," Schaefer said in his presentation address. "That's what we of Pathe News like about having the Museum take over our library. It still will be available to the public which has helped and encouraged and appreciated our work for all these years. Yet it is also open to the use of scholars and scientists for a better understanding of what has gone before."

The presentation was made to John Hay Whitney, president of the Library. Among those present were Ned E. Depinet, John E. Abbott, Iris Barry, Frank R. Donovan, Walter C. Ament and Nelson A. Rockefeller, president of the Museum.

La Crosse Hearing Set for October 14

Madison, Wis., Sept. 29.—Hearing will be held Oct. 14 in Federal court here on the action of the La Crosse Theatres Co., Inc., against major distributors and the Welworth Theatre Co., Minneapolis.

The La Crosse company, operator of five theatres, seeks $1,050,000 damages for alleged injury to its business on the ground that the defendant film companies conspired by refusing to release certain films to La Crosse Theatres. The suit was started nearly two years ago.

Painters' Union Wins Scenic Artists' Vote

Hollywood, Sept. 29.—Moving Picture Painters Local 644 won by almost a four to one vote over Scenic Arts Association as the collective bargaining agency for scenic artists in an N.L.R.B. election, results of which were disclosed over the weekend. This is expected to end a long jurisdictional fight unless the election is challenged in the courts.

Fox West Coast Deal Closed by Republic

Republic has closed a deal for the entire 1940-'41 product lineup with Fox West Coast, Pacific Division. The deal was closed here, with James R. Grainger, Republic president, and Francis A. Bateman, Los Angeles branch manager, representing the film company, and Larry Kent acting for the circuit.

Grainger left over the weekend for a sales trip, planning visits to Dallas, Kansas City, Milwaukee and Chicago. He is expected to return next Monday.

Mosconas New RKO Manager in Greece

Athanase Mosconas has been appointed RKO representative in Greece. He will cover Eastern Europe, with his headquarters in Athens.

Antonio Blanco has resigned as manager of Radio Films S.A.E., RKO's Spanish company. No appointment has been made as yet to fill the vacancy.

Expect Play Backing by Companies in November

Investment in backing by film companies for Broadway plays should begin some time in November if present plans mature, according to a consensus of Eastern story editors. A number of plays are already on hand and are being considered in the event the Dramatists Guild and the League of New York Theatres work out the necessary amendments to the basic agreement.

The first draft is expected to be ready by the end of this week. It is being prepared by Milton R. Weinberger, League attorney, and James F. Reilly, executive secretary.

The principal point still unsettled is the control of Broadway production. Although it was emphasized that this matter can be adjusted amicablv, no formula for the protection of both the film companies and the Broadway managers has been arrived at yet.

Film companies have repeatedly stated that it is not their desire to invade the Broadway field but legitimate stage managers are trying to get some type of specific assurances. In the event film companies reenter the legitimate stage field, plays will either come directly to the companies or through the recognized managers now operating on Broadway. If the play is brought to a company for backing by a manager, such manager would, of course, produce the play.

However, film companies are concerned with the possibiilty that they may discover a play themselves and find no first rate manager willing to produce the play because of other commitments or any reason whatsoever. The companies are unwilling to be forced into a position of accepting second rate managers simply because they have produced Broadway plays in the past, and seek a free hand in such contingency. On the other hand, the League is fearful lest any exemption granted in the basic contract provide a loophole which will permit an invasion of the Broadway field by "dummies" acting for film companies.

If the preliminary draft being drawn satisfactorily disposes of this problem, the Guild council will be able to vote upon the issue next week and the machinery for film company backing is expected to be in operation during November.

Hanbury, RKO English Head, Killed by Bomb

(Continued from page 1)

ters. The identity of the other member of the family killed could not be learned immediately.

Had Long Career in Industry

Ralph Hanbury was born in Ballarat, Australia, on May 2, 1891. He had a long career in the film industry in England in various executive posts before assuming his last position with the RKO organization in 1936.

He became branch manager of the Stoll Film Co., and later general manager. Following that he took a post as general manager of the Welsh Pearson Film Co.

He later became branch supervisor for M-G-M in England, then general sales manager of Radio Pictures, Ltd., in England. He was appointed shortly afterward as general manager of the company, and in 1936 assumed the post of chairman and managing director of RKO Radio Pictures, Ltd.

2 Omaha Pioneers Dead on Same Day

Omaha, Sept. 29.—Death took two veterans of the theatre here on the same day. William P. Byrne, 71, worked in almost all the legitimate houses in Omaha and managed the present Orpheum prior to retirement five years ago. He died of a heart attack.

John H. Withnell, 75, stagehand at the Omaha Theatre and charter member of the I.A.T.S.E., had been connected with theatres for 60 years. He died at his home after an illness of five weeks.

Name Constantine to Para. Trinidad Post

Lazarus Constantine has been promoted to the post of manager for Paramount Films of Trinidad, Inc., by John W. Hicks, Jr., Paramount foreign department head.

Constantine was formerly sales manager of Paramount Films, S.A. of Panama, and he has been employed by the company for the past three years.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Published daily except Saturday, Sunday and holidays by Quigley Publishing Company, Inc., 1270 Sixth Avenue, Rockefeller Center, New York City. Telephone CIrcle 7-3100. Cable address "Quigpubco, New York." Martin Quigley, Editor-in-Chief and Publisher; Colvin Brown, Vice-President and General Manager; Watterson R. Rothacker, Vice President; Sam Shain, Editor; Alfred L. Finestone, Managing Editor; James A. Cron, Advertising Manager; Chicago Bureau, 624 South Michigan Avenue, C. B. O'Neill, manager; Hollywood Bureau, Postal Union Life Building, Boone Mancall, manager, William R. Weaver, Editor; London Bureau, 4 Golden Square, London W1, Hope Williams, manager, cable address "Quigpubco, London." All contents copyrighted 1940 by Quigley Publishing Company, Inc. Other Quigley publications: Motion Picture Herald, Better Theatres, International Motion Picture Almanac and Fame. Entered as second class matter, Sept. 23, 1938, at the post office at New York, N. Y., under the act of March 3, 1879. Subscription rates per year $6 in the Americas and $12 foreign. Single copies 10c.

"WHEN YOU COME TO THINKING ABOUT ME, IT'LL MAKE YOU MAD... YOU'RE GOING TO HATE ME!"

you'll see LIFE
in "They Knew What They Wanted"

CAROLE LOMBARD ★ CHARLES LAUGHTON

in

"They Knew What They Wanted"

Directed by Garson Kanin

With WILLIAM GARGAN • HARRY CAREY • FRANK FAY

This Year's Great Drama!

. . . because it x-rays the human heart . . .

. . . because it presents two big stars in their biggest roles . . . . . .

. . . because in direction, in production, in acting and in general excellence it is one of the finest pictures the screen has ever known!

RKO RADIO PICTURES

Harry E. Edington, Executive Producer
Produced by Erich Pommer
Screen Play by Robert Ardrey
From the Pulitzer Prize Play by Sidney Howard

MEET ORSON WELLES AS "CITIZEN KANE"

Orson Welles is giving the gun to his production of "Citizen Kane," one of the biggest of the big ones to win its place in the list of forthcoming big ones from RKO-RADIO . . . attractions like George Abbott's smash Broadway musical, "Too Many Girls"—Kay Kyser and his band in "You'll Find Out"—Ginger Rogers in "Kitty Foyle"—and Anna Neagle in "No, No, Nanette."

Industry Needs Exhibitor Aid, Says Rodgers

(Continued from page 1)

foreign losses." The problem, he said, is as important to exhibitors as it is to the producers.

Regarding the proposed Federal consent decree, and its provisions, Rodgers said M-G-M "has no ideas or thoughts of selling pictures on the auction block, but will do it only if compelled."

Deploring the fact that the convention had adopted resolutions attacking price "juggling" on certain pictures, Rodgers said that exhibitors should help make up in part the losses in foreign markets by extending playing time and occasional increases in admission price "if deserved," rather than making it necessary to resort to increased rentals.

Will Not Withhold 'Boom Town'

However, he promised that M-G-M would not withhold bookings from exhibitors not cooperating in M-G-M's request to raise admission prices on "Boom Town." Rodgers added that before exhibitors are asked to increase admissions on films, the pictures are tested by the company, so that the request is based on fact and not theory.

Rodgers minimized the polls of filmgoers taken at random as not indicating the "public pulse," and said it was absurd to believe that double features are to blame for the industry's ills.

"It's nothing strange that theatre attendance has fallen down," he said. "It's only because other entertainment factors are becoming more important."

He pointed to dog racing, night baseball, bingo and radio as increasingly competitive factors. As a result, exhibitors must apply more and better showmanship, he said. "Discard the old setup," he urged. "A streamline presentation is needed."

No Sacrifice of Quality

Rodgers defended Hollywood salaries, saying that "genius needs encouragement." And while economy in production is being practiced, he promised that there would be "no economy at the sacrifice of quality."

Other M-G-M officials attending the session were T. J. Connors, Eastern and Southern division manager; E. K. O'Shea, Eastern district manager, and H. M. Richey, assistant to Rodgers in charge of exhibitor relations.

Crew Finishes Work On Canadian Picture

MONTREAL, Sept. 29.—A crew of 21 has returned here from the Arctic regions to complete the Canadian final sequences of "49th Parallel" in local studios before returning to England.

The crew actually shot sequences in the Eskimo country around the 49th parallel, from which the film gets its title. Michael Powell, producer, said a few weeks would be spent here doing indoor scenes in the studios of Associated Screen News. Then the company will return to London for the final scenes with Leslie Howard.

Branch Managers Enlisted In Local Red Cross Drives

Branch managers have been appointed district coordinators for the theatres' nationwide cooperation with the Red Cross campaign, Nov. 11 to 30, by Major L. E. Thompson of RKO, general chairman, to assist local committees in each distribution zone and to insure full cooperation of the distributors.

Local exhibitor committee chairmen in the larger cities and individual exhibitors in the smaller towns where no committee is established are urged to get in touch with the district coordinators to work out arrangements on booking prints of the 400-foot Red Cross film featuring Deanna Durbin which is to be shown in theatres beginning Nov. 10. The official 100-foot Red Cross trailer will be shown the second week of the Roll Call, starting Nov. 17. The latter film, featuring Priscilla Lane, will be handled by local Red Cross chapters.

Thompson stressed that the plan is to support and promote local Red Cross drives and not to put on a campaign in the theatre to raise a special fund for the Red Cross.

Full information will be provided by the district coordinators, who will be assisted by other branch managers in the zone. Jack J. Bowen of M-G-M is the coordinator for the New York City area. Coordinators for other territories, except Omaha, where one is to be appointed, follow:

Albany, Bernard G. Kranz, RKO; Atlanta, R. M. Avey, M-G-M; Boston, R. C. Cropper, RKO; Buffalo, K. G. Robinson, Paramount; Charlotte, R. J. Ingram, Columbia; Chicago, J. C. Osserman, RKO; Cincinnati, Allen S. Moritz, Columbia; Cleveland, J. R. Kauffman, Universal; Dallas, Doak Roberts, Warners; Denver, Chester J. Bell, Paramount; Des Moines, Stanley Mayer, 20th Century-Fox; Detroit, Fred E. North, Warners; Indianapolis, G. R. Frank, United Artists; Kansas City, Frank C. Hensler, M-G-M; Los Angeles, W. E. Calloway, Warners; Memphis, J. Frank Willingham, M-G-M; Milwaukee, Oscar J. Ruby, Columbia; Minneapolis, Eph Rosen, Monogram; New Haven, Morris Joseph, Universal; New Orleans, C. E. Peppiatt, United Artists; Oklahoma City, J. O. Robie, Warners; Philadelphia, E. W. Sweigert, Paramount; Pittsburgh, Ira H. Cohn, 20th Century-Fox; Portland, R. O. Wilson, Universal; St. Louis, B. B. Reingold, 20th Century-Fox; Salt Lake City, William F. Gordon, Warners; San Francisco, N. Neal East, Paramount; Seattle, E. A. Lamb, RKO; Washington, Sam N. Wheeler, 20th Century-Fox.

20th-Fox Branch in Chungking Bombed

The 20th Century-Fox exchange building in Chungking, China, was bombed into a mass of wreckage last week, according to cabled advices to the home office.

No one was injured, but all accessories, furniture and fixtures in the building were ruined. Prints, kept in a bombproof shelter, were undamaged.

This is the first authenticated instance where a film branch has been the victim of a bombing attack in the Far Eastern hostilities.

3,230 Companies Had Taxable Net in 1938

(Continued from page 1)

$11,614,000 in income and undistributed profits taxes and $88,000 in excess profits taxes.

Another 5,935 corporations with no net income reported an aggregate gross of $342,982,000 and an aggregate net of $28,828,000. The remaining 1,188 corporations were inactive.

The companies paying income taxes paid dividends other than stock dividends, amounting to $42,484,000, while the deficit companies paid $801,000, the bureau disclosed.

Universal Sets Serial

Universal will produce a serial, "Riders of Death Valley," with Dick Foran, Leo Carrillo, Buck Jones, Charles Bickford, Nan Grey, Guinn "Big Boy" Williams and Noah Beery, Jr. It is from a story by Oliver Drake.

Legal Draft Distributed

(Continued from page 1)

ment sources that there is no assurance that this action will be forthcoming within that time limit and, if it fails to materialize, a postponement of the presentation of the draft to the Federal court would be necessary.

Attorneys said there are several minor points on which the consenting companies and the Government still are not in agreement but that these are expected to be disposed of at tomorrow's meeting.

The completed draft contains no change of any importance from the provisions agreed upon in principle by the five companies and the Government late in August. These principles merely have been placed in legal phraseology and form for presentation to the court.

The only addition to the decree made during the past month's conferences is a prologue setting forth the history of the case and the aims of the decree. No admission of any violation of the anti-trust laws is made by the consenting companies in this prologue, it was ascertained from Government sources on Saturday, which contradicts a report circulated in the trade late last week.

Prepares for Opening

Terry Turner, RKO exploitation manager, has arrived on the Coast to escort Carole Lombard and Charles Laughton to San Francisco for the premiere Oct. 8 of "They Knew What They Wanted" in which they are co-starred. After the premiere, Turner will accompany Laughton on a personal appearance tour.

Myers States His Approval Of U. S. Decree

(Continued from page 1)

board of directors, Myers indicated he would not call a meeting of the board until the decree was finally approved by the court.

The convention, immediately after Myers' speech, unanimously adopted a resolution giving complete endorsement to his stand.

Myers urged Allied to cooperate with the Government in the fulfillment of the decree terms so as to derive "the maximum benefits it contains." He said that although he was just breaking "a four months' self-imposed silence" on the matter, he always was and still is for a consent decree, and while the present draft is far from what Allied wants, he feels its final form will contain the elimination of many practices deemed objectionable by Allied.

Says Plan Is Experiment

Myers minimized possible negative results from the blocks-of-five clause, saying it was just an experiment for only one season. While the language might be broad enough for distributors to abuse, he had been assured by Thurman W. Arnold, assistant U. S. Attorney General, he said, that the Department of Justice "would jump down their throats" if they do.

Myers further felt that the five-picture sales plan would not leave exhibitors "hanging in the air" for product, adding that no distributor will offer less than four or five blocks of five films at a time. "Whatever the demand there will be product to meet it," he said. He termed the arbitration provisions particularly praiseworthy, and "the best the industry ever had or could ever hope to get."

Earlier Myers spoke of the effects of the war and the preparedness campaign on the film industry. Instead of seeking increased film rentals at home to offset foreign losses, Myers urged distributors to continue to explore Latin American markets and for Hollywood to economize.

Sees Increasing Taxes

He told exhibitors to expect dislocation of personnel because of conscription, to expect "more and more taxes" and that theatre attendance is bound to suffer with one million men drafted and "as many girls without dates."

A resolution adopted by the convention attacked 16mm. films for non-theatrical showings and asked that steps be taken in New Jersey to enact legislation against the practice. Another asked that the national Allied board institute legal action whenever possible to compel delivery of films withheld by distributors. A final resolution criticized Abe Montague, Columbia general sales manager, for failure to reply to inquiries regarding the status of certain pictures put to him by Sidney E. Samuelson, chairman of the Allied Information Department.

Election of officers and directors by New Jersey Allied was postponed to Jan. 15. The convention closed with a testimonial dinner to Myers.

Sunday Show Ballots Sent Out by Equity

Despite the fact that the membership meeting of Actors Equity took no action Friday on the Sunday show issue, ballots were sent out over the weekend in a national referendum to determine whether the union should permit members to play on Sundays at the regular rate of pay for an experimental period up to June 1, 1941.

Originally, the Equity council had voted to send the referendum out only if the membership meeting approved it but the debate on Communism prevented any vote on Sunday shows and it was decided to send out the referendum anyway. All votes must be cast before Oct. 31. The meeting Friday greeted with cheers the announcement that the council had raised minimum salaries to $50 weekly, effective Dec. 1, but no action was necessary.

The meeting approved with a few dissenting votes the council resolution "unalterably" opposing Communism, the Communist Party and the principles it advocates and the tactics it employs. An amendment to include the Nazi Bund and the Fascist Party also was approved. The resolution called upon the Dies Committee to make a complete investigation of alleged Communist dominance in the union.

The membership meeting, however, adopted an amendment proposed by Winifred Lenihan, that no member of, or person sympathetic to, the three totalitarian parties be permitted to hold office or be in the employ of the union. Miss Lenihan, a member of the council, made the same motion on Thursday but it was defeated by the council. The effect of the adoption of the amendment by the membership meeting is uncertain as the meeting itself acts only in an advisory capacity. In view of the fact that the council had the same resolution under consideration and defeated it, there is considerable doubt whether it will now reverse itself. In the past the council has rejected many of the proposals of the membership meeting.

A count at the door revealed that 799 members were in attendance. Bert Lytell, president, acted as chairman.

Argentine Lifts Embargo on U.S.

The Argentine embargo on all imports from the United States which was imposed Sept. 17 was lifted by the Buenos Aires government on Friday, a week earlier than originally scheduled. Film shipments to the Argentine were forwarded without interruption during the 10 days the embargo was in effect. Argentine authorities explained that the embargo was invoked to provide time for the nation's import credit control to check up on gold stocks and remittances to this country.

Feature Reviews

"Melody and Moonlight"

(*Republic*)

HOLLYWOOD, Sept. 29.

REPUBLIC'S "Melody and Moonlight" is one of the best musical comedies to come out of Hollywood. It is good, solid entertainment. It has comedy, suspense, romance, excellent music and about everything else that makes a theatre audience sit back and thoroughly enjoy itself.

Johnny Downs and Jane Frazee, the latter making her film debut, supply the chief romantic interest, as well as several musical numbers. Mary Lee, recently seen in a number of Gene Autry musical westerns and who is being given a buildup, does several songs excellently, while Barbara Allen (Vera Vague to countless radio fans) and Jerry Colonna, also widely known on transcontinental programs, supply countless laughs. Others in the cast are Frank Jenks, Claire Carleton, Jonathan Hale, Marten Lamont and "The Kidoodlers," radio musical quartet.

Miss Frazee, of the radio Frazee sisters, makes a highly impressive first appearance, being perfection in the singing, dancing and thespic departments.

Bradford Ropes turned out a highly competent framework for the story and musical numbers, in writing the script from the original story by David Silverstein. Joseph Santley, who directed, kept the film, produced by Robert North, at a quick moving pace, never lagging from start to finish.

Miss Frazee, as the daughter of a wealthy man, wants to make her mark in show business without the aid of the family name, and her father objects. She wins, with a stranger, a prize in a dance contest at a "taxi dance hall," and runs away from home to escape parental wrath. She again meets her partner of the night before and conceals her identity. The youth, played by Downs, takes her to his and his sister's home, where they plan to become a dance team.

Her father frustrates their plan of going on the air, but they get the dance hall to sponsor their program, and all turns out well.

Running time, 71 minutes. "G."*

VANCE KING

"Black Diamonds"

(*Universal*)

The veterans Richard Arlen and Andy Devine are seen in an engaging story concerning coal mining. In featured roles are Kathryn Adams, Mary Treen and Paul Fix. The film should be found entertaining by average audiences.

Arlen is a crack newspaper reporter assigned to cover the war in Europe but who, upon visiting his home town, finds conditions deplorable for the coal miners and decides to stay. Investigating, he discovers the mine owner is bribing a Government inspector so that the latter turns in good reports despite the conditions of the mine. Jailed for a misdeed of which he is not guilty, Arlen escapes and with Devine and others exposes the shady situation to other miners.

The story was an original by Sam Robbins adapted by Robbins and Clarence Upson Young. Christy Cabanne directed. Ben Pivor was associate producer.

Running time, 60 minutes. "G."*

"Ragtime Cowboy Joe"

(*Universal*)

Johnny Mack Brown, Fuzzy Knight and Nell O'Day combine in "Ragtime Cowboy Joe" to make a hard-hitting and tuneful Western film which should please where outdoor action films are popular. The music is of the bunkhouse and campfire variety and it adds a good deal of color to the background.

Brown, an investigator for a cattlemen's association, is called in to solve a series of crimes involving cattle rustling and murder. The last ranch to survive foreclosure is owned by Miss O'Day whose father was murdered by the rustlers.

Brown is falsely accused of murder but succeeds in escaping when a lynching party arrives at the jail house. After several gun battles, Brown succeeds in rounding up the bandits and solving the murder.

Walter Soderling, Marilyn Merrick, Dick Curtis and the Texas Rangers are in supporting roles. Ray Taylor directed and Sherman Lowe wrote the original screenplay.

Running time, 58 minutes. "G."*

EDWARD GREIF

400 Expected At Luncheon To Quigley

(*Continued from page 1*)

and 150 individual tickets have been sold.

On the platform with Quigley, in addition to Bamberger, will be Howard Dietz, who will introduce the guest of honor, and the following trade paper publishers and editors:

Eli Sugarman, *Billboard;* Ben Shlyen and Red Kann, *Boxoffice;* Jay Emanuel, Jay Emanuel Publications; Jack Alicoate and Chester Bahn, *Film Daily;* Pete Harrison, *Harrison's Reports;* Lionel Toll, *The Independent;* Colvin Brown, Quigley Publications vice-president; Sam Shain, MOTION PICTURE DAILY; Terry Ramsaye, *Motion Picture Herald;* Charles E. Lewis, *Showmen's Trade Review* and Abel Green, *Variety.*

Companies Reserve Tables

Table reservations have been received from the following organizations: three tables each for Warners, I.T.O.A., two tables each for M-G-M and RKO; one table each for Columbia, March of Time, M.P.P.D.A., National Screen Service, Paramount, 20th Century-Fox, United Artists and Universal.

Among the industry executives scheduled to attend are:

From Paramount: Barney Balaban, Adolph Zukor, Austin Keough, Leon Netter, M. F. Gowthorpe, Neil Agnew, Charles Reagan, Oscar Morgan, J. J. Unger, Bob Gillham, Alec Moss, Al Wilkie.

From M-G-M: Si Seadler, William Ferguson, Tom Gerety, William Danziger, Arthur Schmidt, Halsey Raines, Elliott Foreman, Ray Bell, Charles Cohen, Perry Charles, Hal Burrows, Gertrude Gelbin, Pat Reis, Mildred Lewis, Bryan Lee, Joseph Flynn, Paul Kaney, Volney Phifer, Edward Carrier.

Schaefer Heads RKO Group

From RKO: George J. Schaefer, Ned E. Depinet, Richard C. Patterson, A. W. Smith, Jr., Cresson Smith, R. E. Mochrie, William H. Clark, James A. Clark, S. Barret McCormick, Michael Havas, Harry Gitelson, M. H. Hoffay.

From M.P.P.D.A.: Carl E. Milliken, Walter Trumbull, David Palfreyman, Arthur Dickinson, Arthur DeBra, Roy Norr, Sidney Schreiber, Lester Thompson, Joel Swenson, Kenneth Clark.

From RKO Theatres: Malcolm Kingsberg, John J. O'Connor, Leon Goldberg, Max Fellerman, Fred Meyers, C. B. McDonald, H. R. Emde, Louis Goldberg, S. A. Schwartz, Harry Mandel.

From March of Time: Albert E. Sindlinger, Donald Higgins, Mary Johnson, John R. Wood, Jr., Lothar Wolff, James Shute, James L. Wolcott, Samuel Bryant, Robert Richards, Thomas Orchard, Louis de Rochemont, Richard de Rochemont.

From Warner Bros. Theatres: Joseph Bernhard, Clayton Bond, Ed Hinchey, Frank Marshall, Nat Fellman, Harry Kaplowitz, Harold Rodner, Harry Goldberg, Lou Kaufman.

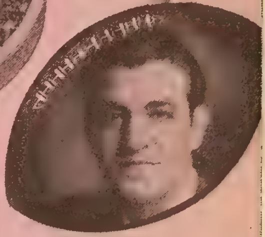
From Warner Bros. Pictures: Mort Blumenstock, Paul Lazarus, Jr., Gilbert Golden, Sid Rechetnik, Larry Golob, Lee Blumberg.

**"G" denotes general classification.*

MOTION PICTURE DAILY

1940 FOOTBALL FORECAST

R. B. WILBY



BOB WEITMAN

By SAM SHAIN

This week the big football teams of the nation swing into action on the first of their 1940 schedules, and Motion Picture Daily has asked the experts of the motion picture industry to state their conclusions on the sectional outcomes of the pigskin wars. The dope is straight from headquarters and the predictions are the authoritative opinions of important men in the film industry who follow the sport as well as the theatre boxoffice. The best selectors of the business have been invited to make their expressions—and here they are—the winning teams in each part of the U.S.A.—hot off the wire.

ATLANTA GA SEP 24
SAM SHAIN

REPLYING YOUR WIRE PREDICT SOUTHERN CONFERENCE DUKE SOUTHEASTERN CONFERENCE TULANE

R B WILBY

NEWYORK NY SEP 23
SAM SHAIN

CORNELL FIRST CHOICE FORDHAM SECOND REGARDS

BOB WEITMAN

BOSTON MASS SEP 25
SAM SHAIN

PREDICT BOSTON COLLEGE TO BE THE CHAMPIONSHIP TEAM IN NEW ENGLAND AND ONE OF THE BEST IN THE COUNTRY FOR 1940 STOP WITH ALL AMERICAN GOODREAULT AND SIX REGULARS INCLUDING OROURKE AND TOCZYLOWSKI BOSTON COLLEGE WILL GAIN NATIONAL HONORS

M J MULLIN

PITTSBURGH PENN SEP 23
SAM SHAIN

IN THIS AREA DUQUESNE UNIVERSITY AND IN THE EAST CORNELL

JOHN H HARRIS

MINNEAPOLIS MINN SEP 23
SAM SHAIN

OHIO STATE WILL WIN BIG TEN CHAMPIONSHIP. MICHIGAN SECOND. REGARDS

JOHN J FRIEDL

MEMPHIS TENN SEP 24
SAM SHAIN

TENNESSEE REGARDS

M A LIGHTMAN

NEWORLEANS LA SEP 23
SAM SHAIN

IN MY OPINION TULANE WILL WIN FOOTBALL CHAMPIONSHIP IN THIS SECTION WITH A GOOD CHANCE OF BEING NATIONAL CHAMPIONS. REGARDS

G J DUREAU JR

DETROIT MICH SEP 23
SAM SHAIN

WE ARE SO BUSY HUNTING FOR POSSIBLE CHAMPIONSHIP ATTRACTIONS IN RELEASE SCHEDULES FOR NEW SEASON WE HAVEN'T HAD TIME ANALYZE POSSIBILITIES FROM OUR ARCH COMPETITOR FOOTBALL, BUT IF PREDICTION IS WANTED WE ENROLL UNIVERSITY OF MICHIGAN TEAM ON BASIS OF LAST YEAR'S PERFORMANCE. REGARDS

EARL J HUDSON

KANSASCITY MO SEP 23
SAM SHAIN

NEBRASKA

JERRY ZIGMOND

CHICAGO ILL SEP 23
SAM SHAIN

NOTRE DAME APPEARS TO BE STRONGEST TEAM BUT IT IS NOT IN BIG TEN CONFERENCE. IN THIS GROUP MICHIGAN MINNESOTA AND OHIO LOOK LIKE WINNERS WITH MINNESOTA POSSIBLY WINNING CHAMPIONSHIP

JOHN BALABAN

DALLAS TEX SEP 23
SAM SHAIN

OUR SELECTION SOUTHWEST CONFERENCE CHAMPIONSHIP IS SOUTHERN METHODIST UNIVERSITY. CONSENSUS FOOTBALL AUTHORITIES THIS TERRITORY IS THAT TITLE HINGES BETWEEN OUR SELECTION AND TEXAS A AND M BUT WE ARE STRONG FOR SMU. REGARDS

R J ODONNELL

DESMOINES IOWA SEP 23
SAM SHAIN

IT LOOKS LIKE ANOTHER IOWA YEAR. BELIEVE IOWA WITH ANDERSON COACHING, UNBEATABLE THIS SEASON. THE TALL CORN WILL DO IT AGAIN. REGARDS

G RALPH BRANTON

BOSTON MASS SEP 23
SAM SHAIN

I PREDICT BOSTON COLLEGE BEST FOOTBALL TEAM IN THIS SECTION

J J FORD

DENVER COLO SEP 23
SAM SHAIN

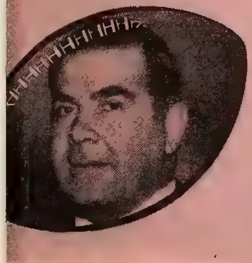
COLORADO UNIVERSITY EXPECTED WIN ROCKY MOUNTAIN CONFERENCE CHAMPIONSHIP. REGARDS

DAVE COCKRILL

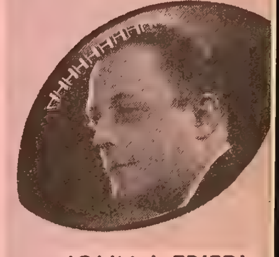
ADV.

MARTY MULLIN

JOHN HARRIS



HARLES SKOURAS

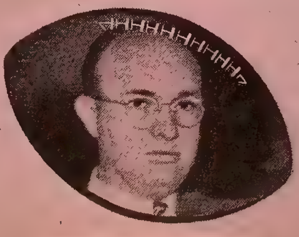


JOHN J. FRIEDL

M. A. LIGHTMAN

G. J. DUREAU

EARL J. HUDSON



JERRY ZIGMOND

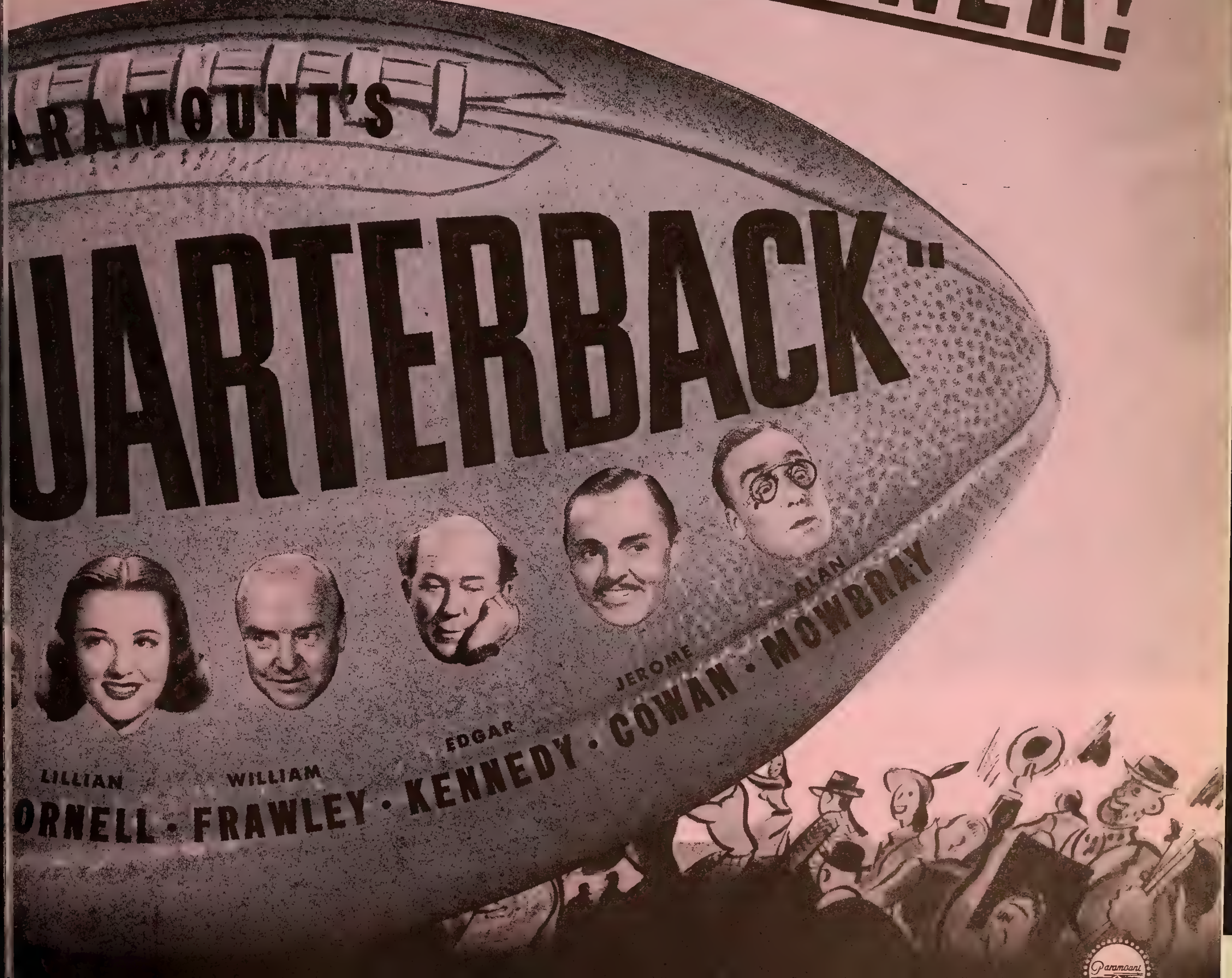
JOHN BALABAN

R. J. O'DONNELL

G. RALPH BRANTON

"THE Q
WAYNE
MORRIS
VIRGINI
· DALE

ALL THE EXHIBITORS AGREE THIS IS THE BIG BOX OFFICE WINNER!


ARAMOUNT'S
UARTERBACK"
LILLIAN
ORNELL
WILLIAM
FRAWLEY
EDGAR
KENNEDY
JEROME
COWAN
ALAN
MOWBRAY
Paramount

WHERE HE'LL TAKE HIS DAME AFTER THE GAME!

"CHRISTMAS IN JULY"

"CHRISTMAS IN JULY"... Preston Sturges tops his "Great McGinty" with an even funnier hit!

"ARISE, MY LOVE"

"ARISE, MY LOVE"... Combines the laughter of "Midnight" and the heart appeal of "Farewell to Arms". It's by far Mitchell Leisen's best. Starring Claudette Colbert and Ray Milland!

Cecil B. DeMille's

"NORTH WEST MOUNTED POLICE"... Ten stars... two love stories... all in Technicolor ... it's a bigger-than-ever-DeMille spectacle!

"NORTH WEST MOUNTED POLICE"

"CHEROKEE STRIP"

"CHEROKEE STRIP"... Harry Sherman crashes through with another of those terrific outdoor spectacle-dramas!

"MOON OVER BURMA"... The public can't get enough of Lamour... so it's Lamour the merrier... a real "Typhoon" at the box office!

"MOON OVER BURMA"

Paramount Pictures

Short Subject Reviews

"Popular Science, JO-1"

(*Paramount*)

An interesting number in a series of general interest. This subject, in color, pictures a scientific disaster truck in Portland, Ore., ready for any emergency; a breeder of small cattle which give as much milk as the larger breeds; the development of fabrics which are impervious to water, and the fascinating training of carrier pigeons for the United States Army at Fort Monmouth, N. J. Running time, 11 mins.

"Diving Demons"

(*Paramount*)

A truly thrilling exhibition of athletic skill is to be found in this Grantland Rice Sportlight reel, with Ted Husing as narrator. Pictured are several of the leading divers of the nation, as well as an acrobatic diving specialist and a comedian of the diving board. Swimming and diving fans probably will stay to see the subject a second time, while the exhibition is so skillful that any audience should be keenly interested. Running time, 10 mins.

"Popeye Meets William Tell"

(*Paramount*)

An entertaining Popeye cartoon, in which Popeye is the "fall guy" for William Tell's archery act in the days of yore. To save Tell from losing his head, Popeye plays his son. When Tell is about to be executed because he missed, Popeye grabs his spinach, and what happens to the executioner and the guards is in the Popeye tradition. Running time, 7 mins.

"The Dandy Lion"

(*Paramount*)

One of Max Fleischer's new cartoon series, "Animated Antics," this tells the story of the little Indian girl and the friendly lion. To get him into the Indian village, the girl shaves off the lion's mane, but the trick is unsuccessful until the lion rescues a child. It is only fair as cartoon material. Running time, 7 mins.

'Comedy' Captures $15,000 in Baltimore

BALTIMORE, Sept. 29.—"No Time for Comedy" at the Stanley did $15,000. Glen Miller on the stage at the Hippodrome with "Men Against the Sky" drew $18,500.

Estimated takings for the week ending Sept. 26:

"Kit Carson" (U.A.)
CENTURY—(3,000) (15c-28c-44c) 7 days. Gross: $8,000. (Average, $10,000)
"Comin' Round the Mountain" (Para)
KEITH'S—(2,406) (15c-28c-33c-44c) 7 days. Gross: $7,000. (Average, $9,000)
"Men Against the Sky" (RKO)
HIPPODROME—(2,205) (15c-28c-39c-44c-55c-66c) 7 days with stage show topped by Glen Miller and Orchestra. Gross: $18,500. (Average, $14,000)
"Brigham Young—Frontiersman" (20th-Fox)
NEW—(1,581) (15c-28c-35c-55c) 7 days. 2nd week. Gross: $6,000. (Average, $7,000)
"No Time For Comedy" (W.B.)
STANLEY—(3,280) (15c-28c-39c-44c-55c) 7 days. Gross: $15,000. (Average, $12,000)

Critics' Quotes . . .

"THE HOWARDS OF VIRGINIA" (Columbia)

A lesson in American history and a photoplay of high quality . . . it is producer-director Frank Lloyd's best yet.—*James Francis Crow, Hollywood Citizen News.*

There is a fine vital spirit in the story. And it reaches the screen with vivid, unforgettable realism . . . rates not only as splendid motion picture entertainment, but as an inspiring production.—*Jimmy Starr, Los Angeles Herald-Express.*

The film is frankly literary. . . . Production—in Williamsburg, Va., as well as Hollywood—is in the finest tradition of both places.—*Philip K. Scheuer, Los Angeles Times.*

A thrilling, entertaining and very worthwhile screenplay . . . this one doesn't need a foreign market, it is an American picture for American people.—*Louella O. Parsons, Los Angeles Examiner.*

An able, slow-moving, sincere screen translation of Elizabeth Page's novel. —*Time.*

This cavalcade of Colonial and Revolutionary America, while ambitious, expensive and generally interesting, comes to life all too infrequently.—*Newsweek.*

An estimable historical screen saga . . . highly informative and frequently absorbing . . . has the compensating virtues of staunch acting, striking visual imagery and a restrained patriotic fervor.—*Howard Barnes, New York Herald Tribune.*

An historically absorbing picture of revolutionary days . . . the personal drama of the Howards is an absorbing story, which the director slights in favor of the greater political conflict . . . the political and war scenes are on the dull side.—*Kate Cameron, New York Daily News.*

Completely satisfactory. . . . The action of the picture, against one of the most thrilling pages in American history, is often inspiring. The story of the Howards' love is told with great feeling and tenderness. The photography is excellent.—*Lee Mortimer, New York Daily Mirror.*

A pretentious, scattered and, alas, pretty dreary picture . . . clumsily attempts to draw a parallel between today's and tomorrow's fight for liberty. —*Philadelphia Inquirer.*

A handsome production, it works up a contagious enthusiasm. Action's aplenty and the film tells a number of different stories to engage a variety of tastes.—*Elsie Finn, Philadelphia Record.*

"BRIGHAM YOUNG—FRONTIERSMAN" (20th-Fox)

A lavish, sincere, at times exciting, but on the whole slow and uninteresting film capitally acted in its principal role by Dean Jagger.—*William Boehnel, New York World Telegram.*

Both well played and well acted, although it lacks sprightliness and humor . . . provides a worthwhile hour and a half in a theatre, presenting characters in Western history little known to most moviegoers.—*Eileen Creelman, New York Sun.*

The picture is much more tedious than Brigham's life must have been . . . monotonous.—*Bosley Crowther, New York Times.*

It is too bad that a thrilling page of American history should have been subjected to such unimaginative treatment. The outdoor scenes and the covered-wagon episodes are magnificent.—*Lee Mortimer, New York Daily Mirror.*

Lengthy but always absorbing, this restaging of the Morman trek across a wilderness is one of the year's outstanding films.—*Newsweek.*

As impressive a motion picture as has been exhibited this season, and we award it our Blue Ribbon with palms in confidence that it will be on all of the more responsible lists of the best photoplays of the year.—*Gilbert Kanour, Baltimore Morning Sun.*

A melodrama well suited to the popular taste, garnished with excellent acting and plentifully supplied with frontier glamor.—*Donald Kirkley, Baltimore Morning Sun.*

Historically the photoplay is vague, and dramatically it is lacking. Physically, however, it is superb. There is real grandeur to some of its scenic explorations.—*Ollie Wood, Philadelphia Ledger.*

More successful both as entertainment and history than the Darryl Zanuck histories of Suez, Lillian Russell or the James Boys . . . still might have been better.—*Laura Lee, Philadelphia Bulletin.*

"PASTOR HALL" (Roosevelt-United Artists)

None can compare for courage, truth and power with "Pastor Hall" . . . the cast is very excellent . . . a film which everyone who still cherishes freedom and justice should and must see.—*William Boehnel, New York World Telegram.*

Better than most of these inflammatory pieces. . . . The material is lurid, the production dignified . . . one of the most effective anti-Nazi tirades.—*Eileen Creelman, New York Sun.*

Technically, the story is not very good, although the dramatic material of the story is so powerful that it offsets the production's shortcomings in other respects.—*Kate Cameron, New York Daily News.*

Out of the despair of the story it has brought a testament of faith . . . ranks above most of its predecessors . . . in its performances it has been well endowed.—*New York Times.*

Exhibits no trace of hysteria and is superbly acted . . . Wilfred Lawson does an unforgettable piece of work in the title role.—*Chicago Tribune.*

No one, we're certain, can see it without being tremendously moved . . . excellently produced and acted by an English cast.—*Doris Arden, Chicago Daily Times.*

Short Subject Reviews

"The Volunteer Worker"

(*Walt Disney—Community Chests Councils*)

Walt Disney contributed this two-minute Donald Duck subject to the Community Chest campaigns which occur during October and November in numerous communities throughout the country. It depicts Donald Duck as a fund solicitor, rebuffed at every door, finally cooling his tired feet in a water-filled gutter. There he meets his first contributor, a ditch-digger, whose donation provides Donald with one of his rare happy endings.

With local campaign appeal messages which may be added to the subject its running time should not be more than three minutes. It may be obtained without charge from local Community Chest headquarters.

"Moments of Charm of 1941"

(*Paramount*)

An unusually entertaining and well-produced short in color, this features Phil Spitalny and his all-girl orchestra. Several popular numbers are rendered, with individual members of the attractive orchestra pictured in closeup. The subject ends as the full orchestra, plus a vocal group, performs Ravel's "Bolero" in excellent fashion. A good subject. Running time, 11 mins.

"Unusual Occupations, LO 1"

(*Paramount*)

Seen in this interesting collection of odd avocations are the Texas woman who makes fine boots for men and women, the St. Louis truck driver whose spare time is devoted to making a small village entirely of matchsticks, the high school commercial teacher who makes amazing likenesses entirely with the typewriter and vari-colored ribbons, and the retired sea captain who has made a pet of a penguin, which has been trained with amazing skill. Running time, 11 mins.

'Conquest' Scores $6,700, New Haven

NEW HAVEN, Sept. 29.—"City for Conquest," dualled with "Money and the Woman" at the Roger Sherman, took $6,700. The Paramount, with "Hired Wife" and "Golden Gloves," took $5,000. The weather was rainy. Yale students have returned to college.

Estimated takings for the week ending Sept. 26:

"Foreign Correspondent" (U.A.)
"Captain is a Lady" (M-G-M)
COLLEGE—(1,499) (39c-50c) 7 days. 2nd week. Gross: $3,000. (Average, $2,700)
"Brigham Young—Frontiersman" (20th-Fox)
"Blondie Has Servant Trouble" (Col.)
LOEW-POLI—(3,040) (39c-50c) 7 days. Gross: $6,200. (Average, $8,000)
"Hired Wife" (Univ.)
"Golden Gloves" (Para.)
PARAMOUNT—(2,348) (39c-50c) 7 days. Gross: $5,000. (Average, $4,000)
"City for Conquest" (W.B.)
"Money and the Woman" (W.B.)
ROGER SHERMAN—(2,200) (39c-50c) 7 days. Gross: $6,700. (Average, $5,000)

FCC Members See CBS Color Demonstration

Members of the FCC probed the commercial possibilities of color television over the weekend in a personal visit to CBS studios where they witnessed a private laboratory demonstration by Peter C. Goldmark, CBS chief television engineer, who developed the new color system.

Study Early Broadcasts

The FCC group was particularly concerned with the possibility of an early start for color transmission, the possibility of a two-foot image in color and the effect of color on television programs and on public interest.

Goldmark showed the group a new "magnified" screen development which enlarged the color images by about 80 per cent without loss of detail. He pointed out that the small number of receivers now outstanding would make it commercially infeasible to convert the present sets to color but that sets to be manufactured in the future could be converted with ease.

"Color television as demonstrated by CBS is a valuable contribution to television development," said Commissioner T. A. M. Craven. "Undoubtedly it will advance public acceptance of television. I hope color television will be made available at an early date as a service to the public."

Sees Delay Justified

Commissioner Frederick I. Thompson asserted that color "confirms the commission's judgment in postponing the establishment of fixed standards six months ago." Others in the party were Commissioner Paul A. Walker; Andrew W. Ring, chief engineer in charge of broadcasting; Nathan David, assistant to the chairman; William A. Bauer, Benjamin W. Cottone, legal department; W. K. Boese, engineer; and George C. Gillingham, director of information.

Try Single Bills in Wisconsin House

STEVENS POINT, Wis., Sept. 29.—With much fanfare, Fox has inaugurated a single feature policy at the Fox here for a month's trial, but is continuing twin bills at the Lyric. The houses are the only ones in the city.

According to Myron A. Neumann, manager of the house, the new policy is meeting with a good reception and if it proves successful, it will be continued. In addition to the single feature, the program includes at least four short subjects. The show runs about two and one-half hours against the better than three-hour double feature program.

Canadian Unit to Meet

HALIFAX, N. S., Sept. 29.—The Allied Exhibitors here will hold their annual meeting on Wednesday. The main item on the agenda is the discussion of plans for participating in war work. W. H. Cuzner, proprietor of the Strand, Sydney Mines, is the retiring president.

Off the Antenna

A NETWORK of 253 stations in the United States, Canada and Hawaii will carry the World Series baseball games. Mutual claims this to be the largest single hookup ever to carry any program. Two General Electric stations in Schenectady will short-wave the series to Latin America in the Spanish language and WRUL, Boston, will beam the broadcasts to Europe in English.

Mutual, which paid $100,000 for the radio rights in 1939 and again this year, has an option for the 1941 series. The announcers who will handle the play-by-play are Red Barber and Bob Elson while Mel Allen will do the "color." Gillette Safety Razor is sponsoring. Lester Gottlieb, Mutual's publicity director, left over the weekend to arrange details.

• • •

Purely Personal: *Frank Murtha, in charge of sustaining bookings for the NBC artists service, was married yesterday to Emma Neugebauer at St. Michael's Church, Brooklyn. . . . Richard Blake has assumed the post of program director for WKRC, Cincinnati. . . . Hugh Kendall Boice, for eight years vice-president in charge of sales for CBS and more recently vice-president of Benton & Bowles, will join WQXR Oct. 1 as vice-president in charge of sales. The station goes up to 5,000 watts on the same day. . . . Leonard Kapner, of WCAE, Pittsburgh, is in town.*

• • •

Negotiators for both sides look forward to a settlement early this week of the dispute on sustaining shows between American Federation of Radio Artists and the networks and stations in four key cities, according to a spokesman for the New York State Labor Mediation Board. Discussions will be resumed at 10 A.M. today.

• • •

Four stations joined Mutual over the weekend to bring the number of affiliates to 154. The additions are WGH, Newport News, Va., on 1,310 k. c., 250 watts, full time; WDAK, West Point, Ga., 1,310 k. c., 250 watts, full time; WSGN, Birmingham, Ala., 1,310 k. c., 250 watts, day, 100 watts, night; and WJBY, Gadsden, Ala., 1,210 k. c., 250 watts, day, 100 watts, night.

• • •

Program News: *WOR will carry the Brooklyn Dodgers professional football games this season under the sponsorship of Schick razors. . . . "Woman in White" returns to CBS today at 1:15 P. M. It will be heard Mondays through Fridays under the sponsorship of Camay soap. . . . New business signed by WABY, Albany, includes Witbeck Motors, Stevens Clothing, Beaver Economy Soap, Ideal Restaurant, Ford, Albany County Democratic Committee and the Delaware, Lackawanna & Western Coal Co.*

Poppele Plans Light Beam To Send Programs a Mile

It may sound like a story from Grimm's fairy tales, but J. R. Poppele, WOR chief engineer, plans to carry programs from WOR's studios at 1,440 Broadway to the FM transmitter at 444 Madison Ave., almost a mile away, by a light beam, instead of the more conventional telephone wires. Although it is admitted that the idea is not likely to supplant wires for some time to come, it is planned to start the experiment within two weeks.

The engineering principle involved is the fact that light can be modulated in the same manner as radio waves and can be reconverted to sound at the receiving end.

From the roof of WOR a concentrated shaft of light will be aimed at a sensitive photo-electric cell on the roof of the FM transmitter building where it will be converted back to sound and broadcast. Since the cell is sensitive to infra red rays, it will pierce fog or rain, according to Poppele.

The principle has been demonstrated for the past two seasons at General Electric's "House of Magic" exhibit at the New York World's Fair but it is the first practical application of the principle to the best of Poppele's knowledge.

Poppele says that the experiments may have a vast influence on communications for military or naval purposes. There will be no wires for the enemy to cut. For example, it would be possible to communicate between armies on two mountain peaks and there is the further advantage that the messages could not be intercepted because of the directional nature of the light beam.

A deep casing is used for the transmitting light to prevent any outside light from interfering and this casing also permits transmission during daylight hours.

3 New RKO Houses To Open This Week

The three former Cocalis theatres recently acquired by RKO will open this week. The Pelham at White Plains Road and Pelham Parkway will open tomorrow evening; the Marble Hill, 231st St. and Broadway, on Wednesday evening, and the Castle Hill Theatre Thursday evening.

20th-Fox Finds 70 Eligible for Draft

More than 70 employes of 20th Century-Fox branches are eligible immediately for the draft, a survey completed by the company shows. About 117 branch employes who are eligible may claim exemption because of dependents. About 20 others are in the doubtful list.

SWG Votes Approval Of Bargaining Pact

LOS ANGELES, Sept. 29.—The seven-year fight of the Screen Writers Guild for studio recognition ended late last week when members voted unanimous approval of the bargaining agreement which calls for an 80 per cent Guild shop in the studios, but which makes S.W.G. the exclusive bargaining agency for all California film writers.

The agreement is effective for six months beginning Oct. 10. A standing committee of three active S.W.G. members and three producer members will be set up to administer the pact and conduct further negotiations on matters still under discussion. The present contract was described by Sheridan Gibney, S.W.G. president, as a "temporary makeshift" and merely the framework for a final agreement.

The pact provides limitations on the length of layoff periods; a complete prohibition on writing on speculation; provisions for accommodations for writers on location; extensive arbitration machinery for disputes over screen credits, and the usual "no strike" clause.

Among matters to be discussed later are writers' ownership of material prepared during layoffs, minimum salaries and junior writers' classifications.

Studios which have signed the agreement are: 20th Century-Fox, Loew's, Columbia, Goldwyn, Warners, RKO, Universal, Paramount, Republic and Monogram.

RKO Makes 11 More Changes in Circuit

Continuing the realignment and promotions of RKO metropolitan theatres managerial forces begun several weeks ago, John J. O'Connor, vice-president and general manager of the circuit, made 11 additional assignments on Friday.

The new appointments are as follows: Jack Reis, assistant manager of the Madison, made manager of the Greenpoint; Edward Shannon, staff chief at the Dyker, to assistant manager, Prospect; John Ellick, from the Palace to assistant manager and treasurer of the Uptown; Herbert Bonis, staff chief at the Madison, to assistant manager and treasurer, Tilyou, and Richard Reynolds, assistant manager and treasurer of the Midtown and Yorktown.

Managerial transfers include: Michael Edelstein, from the Strand, Far Rockaway, to the Tilyou; Warren Bartlett, from the Columbia, Far Rockaway, to the Strand, Far Rockaway; Sigurd Wexo, from the Dyker to the Columbia, Far Rockaway; Frank Howard, from the Greenpoint to the Dyker. Francis Kohl, assistant manager of the Prospect, is transferred to the Madison, and Nathan Mazor, assistant at the Uptown, goes to the Marble Hill.

Set French Film Run

Robert Mintz has closed with the 55th St. Playhouse for the initial run of the French film, "Le Chemineau," tentatively set to start Oct. 7. The title for the American run will be "The Open Road."

• Theatre Changes •

Hamrick Named Manager

SEATTLE, Sept. 29.—William Hamrick has been named manager of the Coliseum, key second run house in the downtown Hamrick-Evergreen circuit. He succeeds Clyde Strout, who moves to the Paramount as assistant to Dan Redden.

Takes Two Canadian Houses

ST. JOHN, N. B., Sept. 29.—M. E. Walker, operating the Gaiety, Halifax, N. S., and the Imperial, Sackville, N. B., has leased theatres in Barrington Passage and New Germany, N. S.

Altec Deal Completed

Manny Marcus has added the Esquire Theatre in Fort Wayne, Ind., to the list of his Indianapolis theatres to receive Altec service, as a result of new service agreements negotiated for Altec by F. C. Dickely.

Reopen Vogue in Bronx

Phoenix Theatres, Inc., has reopened the Vogue, 1,500-seat theatre at 892 E. Tremont Ave., Bronx. Max Goldbaum is president of the company.

Reverts to Daily Operation

The Tiffany, 1077 Tiffany St., Bronx, has returned to daily operation after having been open weekends only during the Summer.

Theatre Firm Formed

CINCINNATI, Sept. 29.—The Oakley Corp. has been incorporated here with a capital of $20,000 and 100 no par shares, to erect a theatre in suburban Oakley at a reported cost of $30,000. Willis H. Vance, who operates the suburban Ohio and Eden here, and the State at nearby Newport, Ky., is president of the new organization.

Close Three Theatres

ALBANY, Sept. 29.—Robert Yates has closed the Lake, Lake George, N. Y., while Morris Schulman has closed the Gaiety, Inlet. Both are Adirondack Mountain region theatres. Rossi Brothers, Schroon Lake, have closed the Paramount but are keeping the Strand open.

Photophone Closes Deal

RCA Photophone sound equipment deals have been closed with the following theatres: Dreamland, Lorain, O.; a new house at Tonawanda, N. Y.; Temple, Pittsburgh; Westville, New Haven; Cascade, Cascade, Ia., and a new theatre at McComb, Miss.

Reseat Pawtucket House

PAWTUCKET, R. I., Sept. 29.—The Strand, M. & P. house in downtown Pawtucket managed by Al Lashway, is being equipped with new seats on the orchestra floor, the work being done at night.

Schines Take Over Two

ROCHESTER, Sept. 29.—The Schine Theatre circuit has taken over the Webster and Plaza here. Max Fogel, former Webster owner, stays as booker for local Schine theatres and manager of the Monroe. Kermit Armstrong continues as Webster manager, while Clayt Cornell, Monroe manager, moves to the West End.

Commonwealth Plans House

BATESVILLE, Ark., Sept. 29.—A new theatre is now under construction here by the Commonwealth Amusement Corp., Kansas City. When completed early this Winter, it will replace the Melba, which is being returned to business use.

Completing Cincinnati Theatre

CINCINNATI, Sept. 29.—The new 700-seat Times, being built by Isaac Libson and associates downtown here, formerly the site of the Cincinnati *Times-Star*, local daily, is nearing completion.

Adds Parking Lot

EAST PROVIDENCE, R. I., Sept. 29.—The Hollywood, owned by Samuel Bomes and managed by Corey P. Richmond, has opened a new parking lot for patrons accommodating 150 cars.

Brooklyn House Reopens

The Jefferson, Brooklyn, reopened late last week.

Showmanship Flashes . . .

Invites Freshmen to House as Colleges Open

PROVIDENCE, Sept. 29.—With the cooperation of university authorities, Robert Grossman, manager of the Avon, sent invitations to freshmen entering Brown University and Pembroke College, asking the new students to be his guests during the first fortnight of the college year. In all, 650 invitations were sent out. Avon is situated only a couple of blocks from the campuses of the two colleges.

'Newspaper' Used on Run of 'Sea Hawk'

Gloversville, N. Y., Sept. 29.—The Glove Theatre here, printed a special four-page newspaper to ballyhoo "The Sea Hawk." Done in authentic newspaper format, the paper was called the *Glove Theatre News* and contained publicity stories and stills on the film.

'Ramparts' Selling Stresses Patriotism

KANSAS CITY, Sept. 29.—Lawrence Lehman, manager of the Orpheum here, in selling "The Ramparts We Watch," concentrated on patriotic groups, holding a screening for the commanders of the American Legion posts, Veterans of Foreign Wars, other similar organizations and leading local ministers. An Army recruiting truck carried advertising for the film.

KENNY BAKER
SINGS TWO NEW HIT SONGS
"WHO AM I?" and "IN THE COOL OF THE EVENING" in
HIT PARADE of 1941
A REPUBLIC PICTURE

KENNY BAKER · FRANCES LANGFORD · HUGH HERBERT · MARY BOLAND · ANN MILLER
PATSY KELLY • PHIL SILVERS • STERLING HOLLOWAY • DONALD MACBRIDE • FRANKLIN PANGBORN • SIX HITS AND A MISS
BORRAH MINEVITCH and his HARMONICA RASCALS • JOHN H. AUER—DIRECTOR

AND A BRILLIANT CAST OF SCREEN AND RADIO STARS!

A ★ M ★ P ★ A

ASSOCIATED MOTION PICTURE ADVERTISERS, INC.

---

cordially invites all men and women of the motion picture and allied industries to attend its first luncheon of the 1940-41 season.

OUR GUEST OF HONOR

MARTIN QUIGLEY

on the occasion of his 25th anniversary as publisher of the Motion Picture Herald

---

WEDNESDAY, OCTOBER SECOND

in the grand ballroom of the

HOTEL EDISON 46th and 47th Sts.
West of Broadway

SERVING SHARPLY AT 12:45—PLEASE BE PROMPT

Members' Tickets $1.00—Guests' $1.25
(Including Gratuities)

EVERYBODY'LL BE THERE!

LIBRARY OF CONGRESS

0 007 551 564 9